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Manl-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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SECTION 11. TRANSFERS

11-1 GENERAL INSTRUCTIONS (See Legal Attache Manual, Section 3.)

- (1) All personnel should be cautioned that they are not, under any circumstances, to discuss transfers of other employees with unauthorized individuals, such as realtors or employees of moving companies. To do so will subject employees to severe administrative action and possible criminal liability under the Privacy Act of 1974.
- (2) Agents under transfer are to be relieved of assignments so that the transfer may be expedited.
- (3) All Agents must report to their new office of assignment within 90 days of the date of the official letter of transfer.
- (4) Effective date of employee's assignment at new duty station is the date of arrival at the new office.
- (5) Requests for delays in reporting to a new office of assignment must be submitted to the Bureau with full justification and may be submitted on a UACB basis. These requests are reviewed individually and coordinated with the pertinent field offices and/or FBIHQ divisions.
- (6) Do not incur transfer-related expenses prior to receipt of the letter of transfer.
- (7) Employees being transferred to any point within the United States should advise the Postal Service that change of residence is the result of an official Government transfer. All classes of mail for employee and immediate family residing with employee will be forwarded free of charge.
- (8) Those offices receiving cost-of-living (COL) allowances must immediately advise the date the employee departs since the COL is removed upon departure. Failure to advise FBIHQ on a timely basis will result in an overpayment that the employee must refund.
- (9) For policy concerning Agents who have completed a language school or who have passed a Bureau language examination, refer to Part I, Section 22, and Part II, Section 1-1.9, of this manual for additional instructions.

11-1.1 Use of SF-52 (Request for Personnel Action)

- (1) The field office the employee is transferring into must submit an SF-52 to the Bureau showing the arrival date of employee.
- (2) The following items must be executed on the SF-52 for Arrival Notices.
 - (a) Part A, Item 1 (Relocation)
 - (b) Part A, Items 3, 5, and 6
 - (c) Part B, Items 1, 2, 4, 14, 15, 16, 18, and 22

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(3) Deleted

(4) Deleted

11-1.2 Use of FD-655 (Routing of Earnings and Leave Record)

(1) The four-part FD-655 should be completed by each employee receiving a permanent transfer and any employee assigned to an extended temporary duty when special handling of his/her Earnings and Leave Record is required.

(2) The original of the FD-655 should be submitted to FBIHQ, Attention: Accounting Section, Payroll Administration and Processing Unit, to arrive no later than the Thursday prior to the date of the first Earnings and Leave Record to be sent to the employee's new office of assignment or temporary duty point. Part two should be retained by the submitting office; part three should be forwarded to the new office of assignment; and part four should be retained by the employee for his/her personal records.

(3) Should the information on the initial FD-655 change, a new FD-655 should be executed, the AMENDED block checked, and forwarded immediately to FBIHQ.

11-1.3 Personnel File and Bureau Property (See Legal Attache Manual, Part 1, 4-3.)

(1) The following items should be sent to the new office by the SAC or division head of the old office: An employee's previously submitted Confidential Financial Disclosure Reports (OGE-450) and/or Conflict of Interest Certifications, personnel file,

Employee Medical File System (EMFS) subfile, Employee Security subfile, field firearms training record (FD-40), health report card, if any, electrocardiogram tracings, and report of medical history (SF- 93). Medical documents generated prior to the establishment of the EMFS subfile should be contained in the personnel file. (See MAOP, Part 1, 24-11.) Cover letter, Records Transferred of Personnel Transferred Form (FD-109), should be used to forward files. Send Form FD-475 (Physical Examination Card) if used for record purposes. Files are to be forwarded by the first workday following employee's departure on transfer. (See MAOP, Part 1, 20-4.1 (1).)

(2) Prior to departure date, employee's property must be inventoried by item and serial number to ensure property charged to an employee on the Bureau Personnel Management System, Issued Personal Property System, coincides with property in employee's possession. FBIHQ employees under transfer should contact the Property Management Unit, Property Procurement and Management Section, Finance Division.

11-1.4 Travel Time and Annual Leave

(1) Employees under official transfer at the government's convenience are allowed travel time required for direct distance travel between transfer points based on mode of travel.

(2) Annual leave to be taken in addition to travel time may be approved by the SAC or division head of the former office. (See MAOP, Part 2, 6-2.4.3.)

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11-2 SPECIAL AGENT TRANSFER POLICY

(1) The Director of the FBI maintains the authority to transfer any FBI employee when it is in the best interest of the United States government. All Special Agents (SAs) are subject to transfer at any time to meet the organizational and program needs of the FBI. FBI SAs accept the possibility of transfer as a condition of their employment. SAs may be transferred where and when the needs of

the FBI may dictate. In this regard the overall needs of the Bureau, to include the assurance that investigatory experience levels are appropriately represented in all field offices, along with budgetary considerations, take precedence. The personal needs and preferences of the Agents are considered wherever possible in carrying out the transfer policy.

(2) In general, transfers will be made to field offices that are below their authorized Funded Staffing Level (FSL) or have a critical specialty need. The Administrative Services Division will determine whether vacancies in field offices will be filled through first office, rotationals, or Personnel Resource List (PRL) transfers to maintain an adequate combination of various investigative experience levels in a particular field office.

11-2.1 First Office Transfers

When an Agent successfully completes new Agents' training at the FBI Academy, Quantico, Virginia, he/she will be assigned to one of the Bureau's field offices based on the current staffing and/or critical specialty needs. New Agents will be permitted to make known their preference for assignment and consideration will be given to their desires; however, assignment will be based upon the staffing needs of the Bureau. An Agent can generally expect to remain in his/her first office of assignment for a minimum of four years.

11-2.2 Rotational Transfers

Effective July 1, 1996, the policy governing routine rotational transfers (including the provision for requesting accelerated rotational transfers) was eliminated. In its place, nonvoluntary rotational transfers (NVRT) and voluntary rotational transfers (VRT) were implemented. The policy governing NVRTs and VRTs is set forth below in 11-2.3 and 11-2.4.

11-2.3 Nonvoluntary Rotational Transfers (NVRT) (See 11-2.2.)

(1) New Agent assignments and Personnel Resource List (PRL) transfers remain the primary means of addressing the FBI's staffing needs. NVRTs will be considered only when a determination is made that all other transfer options have been explored unsuccessfully. Agents will be subject to NVRTs once they have completed four years in the field as Agents. Agents will be chosen for NVRTs by examining the pool of eligible Agents and selecting the most junior Agent, based on the date the individual entered on duty as an Agent.

(2) Deleted

(3) An Agent whose current assignment is the result of the Agent's one PRL transfer will generally not be subject to an NVRT.

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11-2.4 Voluntary Rotational Transfers (VRT) (See 11-2.2.)

- (1) The Administrative Services Division (ASD) will designate a hard-to-staff office with an exigent need for Agent personnel as a recipient of VRTs. This designation will typically be made for offices with a limited number of Agents listed on their PRLs. ASD will periodically issue a fieldwide communication seeking volunteers for assignment to the designated office. Agents may also volunteer independent of the canvass at any time. A list of Agents volunteering for assignment will be maintained and utilized by ASD. The continued use of a particular VRT list will be determined by ASD based upon existing staffing needs and budgetary considerations. The VRT will not be utilized until all qualified Agents on the standing PRL for that office have been canvassed.
- (2) An Agent will generally be eligible for a VRT after completing four years in the Agent's current office of assignment. An Agent will be ineligible for a VRT if the Agent has consummated a cost transfer within the past year.
- (3) Agents who have previously received a PRL are eligible for a VRT transfer provided they meet the basic qualifications.
- (4) All Agents must achieve a rating of "Meets Expectations" on their most recent performance appraisal to be considered for a VRT.
- (5) If an Agent is censured and currently on probation, that Agent will not be eligible for VRT consideration. In situations involving any disciplinary matter where administrative action may be warranted, an evaluation will be made on a case-by-case basis to determine if the circumstances warrant exclusion from consideration for a transfer.

11-2.5 Direct Placements

Direct placement is the nonvoluntary transfer or relocation of a Special Agent from one division/office to another to meet the needs of the Bureau, including, but not limited to, transfers to address administrative, inspection, or conduct issues. On April 16, 2002, Director Mueller approved a decision memorandum titled "DELEGATIONS OF AUTHORITY IN THE FBI." At the time the memorandum was approved, the FBI was in transition, and the Deputy Director position was vacant. The delegation of authority for direct placements was given to the Executive Assistant Director (EAD) - Administration, in consultation with the EAD or SAC/ADIC of the affected parties. With the Deputy Director position occupied, the delegated authority for direct placements will once again rest with the Deputy Director.

In some instances, the direct placement transfer involves the promotion of an Agent to a higher grade position. While competing for a position through established EDSP protocol is preferred, there will be limited instances whereby the Director must direct place an Agent into a position for operational necessity.

Per the approval of Deputy Director Bruce J. Gebhardt, the Deputy Director will have the authority and responsibility for making the final determination on direct placement transfers resulting from administrative, inspection, or conduct issues. The Director will authorize all direct placement transfers involving the promotion of Special Agents.

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11-2.6 Lateral Transfers

Lateral transfers between FBIHQ divisions will be allowed with appropriate justification and the consent of both division heads when the transfer is based on operational necessity, as opposed to personal convenience. All lateral transfers between FBIHQ divisions will be considered no-cost transfers, and Supervisory Special Agents transferred as a result of lateral transfers will be expected to remain in those positions for nine months before applying for other positions.

11-3 SPECIAL AGENT PERSONNEL RESOURCE LIST TRANSFERS (PRL)

- (1) The PRL system was established to provide a means for Agents to document a preferred office of assignment. Agents may also designate their Resident Agency(s) (RA) of preference when designating their PRL.
- (2) Preferred locations an Agent indicates on the PRL should not be confused with locations indicated on the intraoffice RA PRL. See MAOP, Part 1, 11-3.9, for more information on the intraoffice RA PRL.
- (3) A PRL transfer is NOT a system of reward nor is it a guarantee. It is, however, a means by which the personnel resource needs of the Bureau may be effectively addressed while satisfying the preferences of employees. This system is based generally upon seniority, consistent with the needs of the Bureau and budgetary considerations. Agents will be limited to one PRL transfer during their career (with limited exceptions such as those Agents who received a PRL transfer from a then-Top-12 office to another Top-12 office prior to June 9, 1987; and Agents receiving PRL transfers to Anchorage, Honolulu, New York, or San Juan, all of whom may be eligible for a second PRL transfer, see MAOP, Part 1, 11-3.6 and 11-3.8).
- (4) The published PRL will be made available to each Special Agent in Charge (SAC) and Assistant Director at the conclusion of the open seasons in January and July of each year for inspection by all employees. During the open season the existing PRL printout will be utilized until the revised list is published. The PRL will include the specific RAs of preference, if any; the certified specialties which qualify the Agent for transfer consideration; and identify those Agents who qualify for an EOD enhancement based on service in Los Angeles or New York. These printouts should be reviewed by Agent personnel for accuracy.
- (5) In designating a PRL preference, it is suggested that Agents consult with their family members and others who will be affected by the transfer. Only those Agents who are considered ranked and appear on the current PRL at the time of the PRL selection process will be considered for PRL transfer. PRLs will include Agent managers, who although not ranked, prefer to maintain their name on the list for possible future PRL consideration. As in the past, Agent managers will not be considered for a PRL transfer unless they have removed themselves from the EDSP by EC, as outlined in the MAOP, Part 1, 11-7.
- (6) All employees must achieve a rating of "Meets Expectations" on their most recent performance appraisal to be considered for a PRL transfer.
- (7) If an Agent is censured and placed on probation, that Agent will not be eligible for a PRL transfer as long as that Agent is on probation. In aggravated situations involving any disciplinary matter where administrative action is warranted, an evaluation will be made on a case-by-case basis

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to determine if the circumstances warrant exclusion from consideration for a PRL transfer. (See MAOP, Part 1, 13-14.3.)

(8) Agents passed over for a PRL transfer due to a documented need, such as involvement in an undercover operation or other specialized needs requiring that the Agent remain in a current assignment, will be afforded the first PRL transfer into that office following completion of that assignment regardless of standing on the PRL.

(9) An Agent will generally be eligible for a PRL transfer after completing four years in the Agent's current office of assignment. An Agent will be ineligible for a PRL transfer if the Agent has consummated a cost transfer within the past year.

(10) Agents eligible for retirement and considered for a PRL transfer must have the capability of performing at least one year of service in the requested office before being mandatorily obliged to retire, or to complete any contractual agreement signed in connection with the transfer.

(11) Agents who have consummated a cost transfer must remain in the service of the government for one year following the effective date of the transfer. Agents who terminate their government employment prior to the expiration of the one-year period are obligated to refund to the government all costs incurred in connection with the transfer.

(12) Agents who are incapacitated and/or are classified under the Medical Profile System, are evaluated on an individual basis to determine the feasibility of receiving a PRL transfer.

(13) Bureau staffing needs remain the paramount consideration for transfers. Specialized requirements, unique Agent skills and/or qualifications, which are not readily available elsewhere in the Bureau, are also recognized as matters which must take precedence when such needs exist. PRL transfers made out of order and other deviations from regular rotational programs resulting from these unique requirements are recorded in the appropriate FBIHQ files, approved by the Personnel Officer, Administrative Services Division, and, when necessary, by the Assistant Director(s) of the appropriate FBIHQ division(s).

(14) Deleted

11-3.1 Requesting a PRL Transfer

(1) All Agents are required to maintain a preference on the PRL and may change their preference during the open season months of January and July. Prior to the printing of the PRL, following open season, the Transfer Unit will examine the PRL to ensure all Agents have a preference listed. Those Agents not specifying a preference on the PRL will have their current location entered as their preference.

(2) The FD-314 form will be used for designating or modifying a PRL preference. All PRL changes will be effected electronically by designated FBIHQ or field division front office personnel with access to the Bureau Personnel Management System (BPMS).

(3) An Agent must designate one field division of preference on the PRL by submission of an FD-314. The Agent may elect to indicate the Agent's own field division. The preferred location(s) within that division may be specified by the Agent, who may choose any combination of headquarters city (HQC) and/or resident agencies (RAs). The Agent may elect to specify RAs only,

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excluding HQC. If qualified for transfer, the Agent will be considered for transfer to the division designated by the Agent and, in no priority order, the locations within that division which have been specified.

(4) The locations specified by the Agent will appear next to the Agent's name on the printed PRL. If specifying HQC, the letters "HQC" will appear. A three-letter abbreviation will appear for each RA selected and if all RAs were selected, "ALL" will appear. The FD-314 MUST BE SIGNED by the Agent before entry in BPMS by designated FBIHQ or field division front office personnel. The original form should be placed in the Agent's personnel file.

11-3.2 Identifying an Experienced Agent for Transfer (See MAOP, Part 1, 11-11.)

(1) When an experienced Agent is required to fill a vacancy in a particular location (HQC or RA), the Transfer Unit will first examine the PRL and offer the transfer to the most senior eligible Agent specifying the location of the vacancy.

(2) If the Agent declines the transfer, the Transfer Unit will not consider the Agent for another PRL transfer for two years. (See paragraph (7) below.) The Transfer Unit will then repeat the above procedure, advancing down the PRL to the next most senior eligible Agent specifying the location, until an Agent accepts the transfer or the Transfer Unit reaches the end of the PRL.

(3) If the Transfer Unit reaches the end of the PRL and all eligible Agents who indicated the location decline the transfer, or if there are no eligible Agents specifying the location, the Transfer Unit will prepare a Bureauwide canvass seeking volunteers. Of the Agents responding to the canvass, the most senior eligible Agent will be transferred, providing there are no specialty back-fill issues.

(4) If no Agents respond to the canvass, the Transfer Unit will offer the transfer to all remaining eligible Agents on the PRL who listed the division with the vacancy, but did not list the specific location of the vacancy, with the understanding that the Agent would not be considered to have used the Agent's one PRL transfer. There will be no penalty for declining the transfer. The most senior Agent who accepts the offer will be transferred, providing there are no specialty back-fill issues. After five years in the assignment, upon request, the Agent will be offered an intraoffice transfer to a location the Agent has specified on the PRL, contingent on a staffing need and available funding. This second transfer will be considered the Agent's one PRL transfer.

(5) If an Agent still has not been identified for voluntary transfer, the Transfer Unit will examine all eligible Agents on the PRL who listed the division with the vacancy and the most junior eligible Agent will receive a nonvoluntary rotational transfer (NVRT) to the location of the vacancy. The Agent transferred would not be considered to have used the Agent's one PRL transfer. After five years in the assignment, upon request, the Agent will be offered an intraoffice transfer to a location the Agent has specified on the PRL, contingent on a staffing need and available funding. This second transfer will be considered the Agent's one PRL transfer.

(6) If an Agent still has not been identified for transfer, the Transfer Unit will examine all Agents on the PRL who listed another location as close as possible to the location of the vacancy and the most junior eligible Agent will receive a NVRT to the location of the vacancy. The Agent transferred would not be considered to have used the Agent's one PRL transfer. After five years in

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the assignment, upon request, the Agent will be offered a transfer to a location the Agent has specified on the PRL, contingent on a staffing need and available funding. This second transfer will be considered the Agent's one PRL transfer.

(7) The two-year penalty for declining a PRL transfer will be effective the date the Agent declines the transfer. The date the penalty expires will be printed on subsequent PRLs under the column, "PRL PENALTY."

11-3.3 24-Hour Requirement

(1) Agents will generally receive notification of an offer for a PRL from the Transfer Unit through their designated front office representative. Agents must affirmatively respond within 24 hours, excluding weekends and holidays, of receiving an offer for a PRL to remain eligible for the transfer and avoid a two-year penalty.

(2) It is incumbent upon each front office to maintain a record to verify the time and date of notice to the Agent and the time and date of response to the Transfer Unit. The Transfer Unit will maintain a similar record.

(3) Deleted

11-3.4 Withdrawal of an Agent's Name From the PRL

(1) Withdrawal of an Agent's name from the PRL will not be allowed, as all Agents are required to maintain a preference on the PRL. Agents may, however, specify their own field division as their preference.

(2) Deleted

(3) Deleted

(4) Deleted

11-3.5 PRL Transfer Cancellation

(1) If, at any time after the Transfer Unit is verbally notified of an Agent accepting a PRL transfer, the Agent changes their decision to accept the transfer, the Agent will not be obligated to transfer. The Agent will then be ineligible for another PRL transfer for four years and responsible for any expenses associated with the transfer. The four-year penalty for declining a PRL transfer, after it was accepted, will be effective the date the Agent declines the transfer. The date the penalty expires will be printed on subsequent PRLs under the column, "PRL PENALTY."

(2) Deleted

11-3.6 PRL Transfer Policy - New York, Los Angeles and San Francisco Divisions (Formerly 11-3.1) (See 11-3.)

(1) Agents assigned to the New York, Los Angeles, or San Francisco Division are eligible to receive an "add-on" to their EOD when determining standing on the PRL. The add-on is not a formal EOD adjustment. The Agents will receive a three-year add-on after serving five continuous years in their division and an additional two-year add-on, resulting in a total five-year add-on, after

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serving ten continuous years in their division. For example, after serving five continuous years in the New York Division (NY), an Agent who entered on duty in 1996 will be considered as having entered on duty in 1993 when determining standing on the PRL. An Agent who has earned the add-on and transfers from the division loses the add-on, with the exception of an Agent who receives a nonvoluntary rotational transfer (NVRT) from the division; that Agent retains the add-on until the Agent transfers once more.

(2) An Agent qualified for the three- or five-year add-on will have the number 3 or 5 appear next to the Agent's name on the published PRL.

(3) Agents who receive an Office of Preference (OP) or Personnel Resource List (PRL) transfer to NY are eligible for a second PRL transfer subsequent to serving five continuous years in NY. This policy applies only to those Agents who received OP/PRL transfers to NY before January 1, 1994, and those Agents who received PRL transfer orders to NY dated between April 15, 1997, and April 15, 2002. Eligibility for a second PRL transfer will only be extended to qualified Agents while they are assigned to NY. An Agent who accrues eligibility for a second PRL transfer and is thereafter transferred from NY loses their eligibility for a second PRL transfer upon leaving NY.

11-3.7 Hardship Resident Agencies (RAs)

(1) San Antonio Division - Rio Grande Valley Resident Agencies (RGVRAs)

(a) After serving five continuous years in the Brownsville, Del Rio, Laredo or McAllen RAs, Agents will be considered for an intraoffice cost transfer within the San Antonio Division based upon existing staffing needs, available transfer funding, and the concurrence of the SAC, San Antonio. This will be accomplished by submitting an EC from the SAC, San Antonio to the Administrative Services Division no sooner than 90 days prior to the Agent's five-year anniversary date or at any time thereafter. Transfer orders will be issued no sooner than 60 days prior to the Agent's five-year anniversary.

(b) After serving five continuous years in one of the above RAs, Agents not choosing to transfer to San Antonio Headquarters City or another RA within the division, will be afforded a ONE-TIME opportunity, either on this anniversary date or at any time thereafter, for transfer to one of three offices selected by the Administrative Services Division based upon existing staffing needs and available transfer funding. Every effort will be made to provide a choice of offices located within the region of the Agent's PRL; however, selections will be based strictly on FBI staffing needs. This will be accomplished by submitting an EC from the SAC, San Antonio to the Administrative Services Division no sooner than 90 days prior to their five-year anniversary date or at any time thereafter. The EC should contain a statement regarding the Agent's investigative background and specialties. At that time, the Agent will be provided a list by the Transfer Unit of available offices from which to make a selection for transfer. Transfer orders will be issued no sooner than 60 days prior to the Agent's five-year anniversary. Agents will not be permitted to officially depart San Antonio under transfer until having reached their five-year anniversary.

(c) This policy does not preclude an Agent from being granted an EDSP, PRL or rotational transfer, if eligible, in conformance with existing policy.

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(d) Agents who were assigned to the Laredo and Del Rio RAs prior to April 22, 1997, are eligible for transfer consideration upon completion of their three-year commitment pursuant to previous policy governing assignments to these hardship RAs. In those instances, Agents interested in a transfer to San Antonio Headquarters City or another San Antonio RA will be transferred pursuant to existing staffing needs, available transfer funding, and the concurrence of SAC, San Antonio.

(e) Agents who were assigned to one of the four RGVRAAs prior to April 22, 1997, may take advantage of this new policy upon the anticipated completion of five continuous years in one of these RAs. An EC should be prepared as outlined in paragraphs (a) or (b) above.

(f) The benefits referred to in (a) and (b) above do not apply to RGVRA Agents whose transfer orders were dated after August 6, 2001.

(2) San Diego Division - El Centro Resident Agency (RA)

At anytime after serving three continuous years in the El Centro RA, Agents will be considered for an intraoffice cost transfer to San Diego Headquarters City based upon existing staffing needs, available transfer funding, and the concurrence of the SAC, San Diego. This will be accomplished by submitting an EC from the SAC, San Diego to the Administrative Services Division no sooner than 90 days prior to the Agent's three-year anniversary date. Transfer orders will be issued no sooner than 60 days prior to the Agent's three-year anniversary or at any time thereafter. This benefit does not apply to El Centro RA Agents whose transfer orders were dated after August 6, 2001.

(3) Albuquerque and Phoenix Divisions - Gallup Resident Agency (RA)

At anytime after serving three continuous years in the Gallup RA (GRA), Agents will be considered for an intraoffice cost transfer WITHIN THEIR RESPECTIVE DIVISION based upon existing staffing needs, available transfer funding, and the concurrence of the SAC, Albuquerque (AQ) and Phoenix (PX). This will be accomplished by submitting an EC from the SAC to the Administrative Services Division (ASD) no sooner than 90 days prior to the Agent's three-year anniversary date. Transfer orders will be issued no sooner than 60 days prior to the Agent's three-year anniversary. This benefit does not apply to GRA Agents whose transfer orders were dated after August 6, 2001.

SAs assigned to the GRA after August 6, 2001, will be required to serve a minimum of three continuous years and will thereafter qualify for a rotational or Personnel Resource List (PRL) transfer under the following policy:

(a) THREE-YEAR POLICY: An Agent electing to serve only three continuous years in the GRA will be able to select his/her next office of assignment from five offices identified by ASD. These offices will be identified based upon field office staffing needs. If one of the identified offices is the Agent's designated PRL, the Agent will be charged their one-time PRL.

(b) FOUR-YEAR POLICY: Agents electing to serve four continuous years in the GRA will have the opportunity to select from one of the two following transfer options: (1) select an office of assignment from seven offices identified by ASD based upon field office staffing needs, OR (2) request an intradivisional transfer. If one of the identified offices is the Agent's designated PRL, the

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Agent will be charged their one-time PRL. The intradivisional transfer will be dependent on the SAC's concurrence and field office staffing needs.

(c) FIVE-YEAR POLICY: Upon completion of five continuous years in the GRA, Agents will receive a transfer to their listed PRL regardless of prior assignment or field office staffing levels. The Agent's RAs of preference, if any, will also be considered with the concurrence of the affected SAC and based upon existing staffing needs.

Alternatively, Agents who have served at least five continuous years in the GRA and have not previously received a PRL, will be afforded, upon their request, a one-time opportunity to select from one of the two following transfer options: (1) select an office of assignment from seven offices identified by ASD based upon field office staffing needs OR (2) request an intradivisional transfer. If one of the identified offices is the Agent's designated PRL, the Agent will be charged their one-time PRL. The intradivisional transfer will be dependent on the SAC's concurrence and field office staffing needs. In the event an Agent declines a transfer offer pursuant to this aspect of the five-year policy, he/she remains eligible for a PRL transfer as set forth in this section.

It is incumbent upon the SACs in AQ and PX to advise ASD, FBIHQ, by official communication approximately 90 days prior to the completion of an Agent's current tour in the GRA if an Agent does not wish to renew his/her assignment. At that time, ASD will provide the Agent with a list of available offices from which to make a selection for transfer. Upon selection of an office under the three- or four-year policy, or a PRL under the five-year policy, transfer orders will be issued and received by the AQ and/or PX Division 60 days prior to the Agent's anniversary date in the GRA. Agents accepting a transfer under the three-, four-, or five-year policy will not be permitted to depart the GRA until the required term of assignment is completed.

In addition, Agents who receive a transfer from the GRA will generally be required to remain in their new assignment for a minimum of four years before being considered eligible for another cost transfer.

The above transfer policy for Agents assigned to the GRA will be retroactive to August 1, 2001. This date represents the date when the "hardship" office designation was eliminated, pursuant to the following reference electronic communications (66-HQ-A1240026-TF, serial number 1358, and 66-HQ-A1240026-TF, serial number 1367). Agents currently assigned to the GRA, who arrived in the GRA prior to this date, will be subject to the GRA transfer policy effective at the time of their assignment.

(4) Minneapolis Division - Minot, Pierre and Aberdeen Resident Agencies (RAs)

(a) After serving five continuous years in the Minot, Pierre, or Aberdeen RAs, Agents will be considered for an intraoffice cost transfer within the Minneapolis Division based upon existing staffing needs, available transfer funding, and the concurrence of the SAC, Minneapolis. This will be accomplished by submitting an EC from the SAC, Minneapolis to the Administrative Services Division no sooner than 90 days prior to the Agent's five-year anniversary date or at any time thereafter. Transfer orders will be issued no sooner than 60 days prior to the Agent's five-year anniversary.

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(b) After serving five continuous years in one of the above RAs, Agents not choosing to transfer to Minneapolis Headquarters or another RA within the division, will be afforded a ONE-TIME opportunity, either on this anniversary date or at any time thereafter, for transfer to one of three offices selected by the Administrative Services Division based upon existing staffing needs and available transfer funding. Every effort will be made to provide a choice of offices located within the region of the Agent's PRL; however, selections will be based strictly on FBI staffing needs. This will be accomplished by submitting an EC from the SAC, Minneapolis to the Administrative Services Division no sooner than 90 days prior to their five-year anniversary date or at any time thereafter. The EC should contain a statement regarding the Agent's investigative background and specialties. At that time, the Agent will be provided a list by the Transfer Unit of available offices from which to make a selection for transfer. Transfer orders will be issued no sooner than 60 days prior to the Agent's five-year anniversary. Agents will not be permitted to officially depart Minneapolis under transfer until having reached their five-year anniversary.

(c) This policy does not preclude an Agent from being granted an Executive Development and Selection Program (EDSP), Personnel Resource List (PRL) or rotational transfer, if eligible, in conformance with existing policy.

(d) Agents who were assigned to one of these RAs prior to the implementation of this policy may nevertheless take advantage of this new policy upon the anticipated completion of five continuous years in one of these RAs. An EC should be prepared as outlined above in paragraphs (a) or (b).

(e) The benefits referred to in (a) and (b) above do not apply to Minneapolis Agents whose transfer orders were dated after August 6, 2001.

11-3.8 Transfer Policy - Nonconus Offices (Formerly 11-3.2.) (See 11-3.)

(1) SAN JUAN OFFICE (See MAOP, Part 1, 3-2.19.)

(a) SA staffing and specialty needs of the San Juan Office will be addressed by rotational and PRL transfers, as well as fieldwide canvasses for volunteers (generally, first office Agents will not be assigned to the San Juan Office).

(b) SAs assigned to San Juan will be required to serve a minimum of three continuous years and will thereafter qualify for rotational or PRL transfer under the following policy. Agents who elect to remain in San Juan must extend for one-year increments and advise FBIHQ, through the SAC, three months prior to their anniversary date.

1. THREE-YEAR POLICY: An Agent electing to serve only three continuous years in San Juan will be able to select his/her next office of assignment from five offices identified by the Administrative Services Division (ASD). These offices will be identified based upon field office staffing needs.

2. FOUR-YEAR POLICY: Agents electing to serve four continuous years in San Juan will be able to select from seven offices identified by ASD.

3. FIVE-YEAR POLICY: Upon completion of five continuous years in San Juan, and achieving a rating of "Meets Expectations" on the most recent performance appraisal, Agents will receive a transfer to their LISTED PRL irrespective of prior assignment or field office staffing levels. The

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Agent's RAs of preference, if any, will also be considered with the concurrence of the affected SAC, based upon existing staffing needs.

Alternatively, Agents who have served at least five continuous years in San Juan and who have not previously received a PRL transfer, will be afforded upon their request a ONE-TIME opportunity for a transfer to one of seven offices selected by ASD. In the event an Agent declines a transfer offer pursuant to this aspect of the Five-Year Policy, he/she remains eligible for a PRL transfer as set forth in this section.

(c) Notwithstanding San Juan policy set forth above, any Agent who accrues SUFFICIENT SENIORITY for a PRL transfer to his/her office of choice while assigned to San Juan will be considered eligible for same, provided the Agent has been assigned to San Juan for a minimum of ONE year and was transferred to San Juan on or BEFORE December 4, 1996. Agents transferred to San Juan AFTER December 4, 1996, who accrue sufficient seniority for a PRL transfer to their office of choice while assigned to San Juan will be considered eligible for same, provided the Agent has been assigned to San Juan for a minimum of THREE years. This conforms with the standing requirement that all Agents transferred to San Juan must agree to serve a minimum of three years. Orders will be issued as soon as possible by ASD for Agents in San Juan who qualify for a PRL transfer under this provision.

(d) It is incumbent upon the SAC, San Juan, to advise ASD, FBIHQ, by official communication approximately 90 days prior to the completion of an Agent's current tour if an Agent does not wish to renew his/her assignment. At that time, ASD will provide the Agent a list of available offices from which to make a selection for transfer. Upon selection of an office under the three- or four-year policy, or a PRL under the five-year policy, transfer orders will be issued and received by San Juan 60 days prior to the Agent's San Juan anniversary date. Agents accepting a transfer under the three-, four-, or five-year policy will not be permitted to depart San Juan until the required term of assignment is completed.

(e) Agents who receive a PRL transfer to San Juan Headquarters City will be required to remain in this assignment for a minimum of five years prior to being considered for a second PRL transfer.

(f) Once official transfer orders are issued, there will be no cancellations or attempts to enhance selection of assignment.

(g) Agents assigned to San Juan, who were transferred under the previous policy may elect to remain within the guidelines of that transfer policy.

(2) ANCHORAGE AND HONOLULU OFFICES

(a) After serving five continuous years in the Anchorage or Honolulu Divisions, Agents who received a PRL transfer are eligible for a second PRL transfer, consistent with their seniority ranking and existing staffing needs.

(b) After serving five continuous years in the Anchorage or Honolulu Divisions, first office Agents will be afforded a ONE-TIME opportunity, either on this anniversary date or at any time thereafter, for transfer to one of three offices selected by ASD based upon existing staffing needs and available transfer funding. Every effort will be made to provide a choice of offices located within the region of the Agent's PRL; however, selections will be based strictly on FBI staffing needs.

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This will be accomplished by submitting an EC from the SAC, Anchorage or Honolulu to ASD no sooner than 90 days prior to their five-year anniversary date or at any time thereafter. The EC should contain a statement regarding the Agent's investigative background and specialties. At that time, the Agent will be provided a list by the Transfer Unit of available offices from which to make a selection for transfer. Transfer orders will be issued no sooner than 60 days prior to the Agent's five-year anniversary. Agents will not be permitted to officially depart either division under transfer until having reached their five-year anniversary.

(c) This policy does not preclude an Agent from being granted an EDSP, PRL or rotational transfer, if eligible, in conformance with existing policy.

(3) SAIPAN AND GUAM RESIDENT AGENCIES - HONOLULU DIVISION

(a) After serving three continuous years in the Saipan or Guam Resident Agencies (RAs), first office Agents will be considered, either on this anniversary date or at any time thereafter, for an intraoffice cost transfer to Honolulu Headquarters City based upon existing staffing needs, available transfer funding, and the concurrence of the SAC, Honolulu. This will be accomplished by submitting an EC from the SAC, Honolulu to ASD no sooner than 90 days prior to the Agent's three-year anniversary date or at any time thereafter. Transfer orders will be issued no sooner than 60 days prior to the Agent's three-year anniversary. First office Agents who choose to transfer to Honolulu Headquarters City pursuant to this policy will be required to remain in that assignment for five years.

(b) After serving three continuous years in one of the above RAs, first office Agents not choosing to transfer to Honolulu Headquarters City, will be afforded a ONE-TIME opportunity, either on this anniversary date or at any time thereafter, for transfer to one of three offices selected by ASD based upon existing staffing needs and available transfer funding. Every effort will be made to provide a choice of offices located within the region of the Agent's PRL; however, selections will be based strictly on FBI staffing needs. This will be accomplished by submitting an EC from the SAC, Honolulu to ASD no sooner than 90 days prior to their three-year anniversary date or at any time thereafter. The EC should contain a statement regarding the Agent's investigative background and specialties. At that time, the Agent will be provided a list by the Transfer Unit of available offices from which to make a selection for transfer. Transfer orders will be issued no sooner than 60 days prior to the Agent's three-year anniversary. Agents will not be permitted to officially depart these RAs under transfer until having reached their three-year anniversary.

(c) After serving five continuous years in one of the above RAs, first office Agents will be afforded a ONE-TIME opportunity, either on this anniversary date or at any time thereafter, for transfer to one of five offices selected by the ASD based upon existing staffing needs and available transfer funding. Every effort will be made to provide a choice of offices located within the region of the Agent's PRL; however, selections will be based strictly on FBI staffing needs. This will be accomplished as set forth above in subsection (b).

(d) None of the transfer options set forth in subsections (a), (b), or (c) above, will be considered PRL transfers.

(e) After serving three continuous years in one of the above RAs pursuant to a PRL transfer, Agents will be afforded a ONE-TIME opportunity, either on this anniversary date or at any time thereafter,

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for transfer to one of three offices selected by ASD based upon existing staffing needs and available transfer funding. Every effort will be made to provide a choice of offices located within the region of the country selected by the Agent; however, selections will be based strictly on FBI staffing needs. This will be accomplished as set forth above in subsection (b).

(f) After serving three continuous years in one of the above RAs pursuant to a specialty transfer, Agents will be afforded a ONE-TIME opportunity, either on this anniversary date or at any time thereafter, for transfer to Honolulu Headquarters City OR to one of five offices selected by ASD based upon existing staffing needs and available transfer funding. Agents opting to transfer to Honolulu Headquarters City will be expected to remain in that assignment for five years prior to partaking in incentives received by Honolulu Headquarters City personnel. If the latter option is elected, every effort will be made to provide a choice of offices located within the region of the country selected by the Agent; however, selections will be based strictly on FBI staffing needs. This will be accomplished as set forth above in subsection (a) or (b) dependent upon which option is elected.

11-3.9 Transfer Policy - Resident Agency Staffing (See 11-3.)

(1) The intraoffice RA PRL was established, separate from the PRL, as a means for Agents to express a desire to transfer to another location within their own field division. The preferred location on the intraoffice RA PRL may be submitted, in writing, to the division head three times per year, during the months of February, June, and October. The designated front office personnel will then enter the preferences into the Bureau Personnel Management System. Selection for transfer will be based on a field division career board recommendation to the division head, who will make the final decision. See MAOP, Part 1, 11-3 (2), for more information.

(2) Division heads may staff RAs located less than 50 miles from the division's Headquarters City with on-board Headquarters City SAs at their discretion. The selection of SAs for intraoffice transfers to these RAs must be based upon a field office career board recommendation to the division head, who will make the final selection (see MAOP, Part 1, 3-3.1). Selections must be made in accordance with the division's computerized intraoffice RA PRL unless the reasons for a deviation are documented and consistent with business necessity. Such transfers will ordinarily be no-cost and the affected SA will NOT be paid travel and transportation expenses and applicable allowances. The Transfer Unit, Administrative Services Division, must be advised of these transfers through the submission of an FD-407 at least 30 days in advance of the effective date of the transfer so that transfer orders may be prepared.

(3) As an alternative, division heads may request staffing for RAs located less than 50 miles from the division's Headquarters City through a PRL, first office Agent or specialty (see MAOP, Part 1, 11-11) transfer. Such requests should be made pursuant to the division's "Annual Field Office Report." In the event a critical staffing need develops at other times during the year, a request for staffing may be made through the submission of an interim EC directed to the Transfer Unit, Administrative Services Division, Room 6313, FBIHQ.

(4) Division heads must request approval from the Administrative Services Division in staffing RAs located 50 miles or more from the division's Headquarters City. Such requests should be made pursuant to the division's "Annual Field Office Report" or through the submission of an interim EC

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directed to the Transfer Unit in the event of a critical staffing need. Requests for staffing of RAs located 50 miles or more from the division's Headquarters City should include the division head's analysis and recommendation regarding whether such a position would be best staffed by a PRL, first office Agent or specialty transfer.

(a) In instances where a division believes that specific circumstances and/or needs within that division necessitate the intraoffice transfer of an SA to an RA located 50 miles or more from the division's Headquarters City, the division head must receive authorization from the Administrative Services Division prior to conducting a career board. Such authority should be requested by EC to the Transfer Unit setting forth the specific basis for the request. Additionally, the EC should indicate the number of SAs qualified for and interested in the RA assignment based upon the division's intraoffice RA PRL and the circumstances and/or needs within the division. In such cases, the Administrative Services Division will make the final decision regarding how the RA will be staffed based upon input from the division head, input from the appropriate substantive FBIHQ division (if necessary), and the needs of the Bureau. In the event the Administrative Services Division approves an intraoffice transfer under these circumstances, the selection must be made in the same manner as described in (2) above.

(5) Division heads must request approval from the Administrative Services Division before effecting the intraoffice transfer of an SA from an RA to the division's Headquarters City in all instances when the RA is located 50 miles or more from the Headquarters City. Similarly, transfers of Agents between RAs located 50 miles or more from one another must be approved by the Transfer Unit, Administrative Services Division. Such requests should be submitted by EC to the Transfer Unit, Administrative Services Division, setting forth the basis for the proposed transfer.

(6) As necessary, the Transfer Unit, Administrative Services Division, will determine whether a particular intraoffice transfer should be effected on a cost or no-cost basis pursuant to MAOP, Part 1, 11-10.

11-4 PERMANENT HARDSHIP TRANSFER REQUESTS AND PROCEDURES (See MAOP, Part I, 11-16.5)

Requests for transfer based on a hardship must be forwarded to FBIHQ through the employee's SAC or division head. Documentation supporting the hardship and the recommendation of the SAC or division head must accompany the request.

11-4.1 Medical Hardship (See MAOP, Part I, 11-16.5.)

(1) A request for transfer based on a medical hardship must be forwarded to FBIHQ through the employee's SAC or division head. Medical hardship transfer requests must be accompanied by supporting medical documentation (conditions existing prior to an employee's entry on duty will generally not be considered of a hardship nature). Hardship transfers may be granted, consistent with staffing needs, for articulated medical reasons such as the need to be in a specific geographic area or near a specific medical facility to address the health needs of the employee, spouse, child, or legal dependent. Medical hardship requests are reviewed by the Chief Medical Officer (CMO), FBIHQ, and in some instances by other specialists. Alternatives to a permanent transfer must first

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be examined, such as requesting a temporary hardship assignment. A permanent hardship transfer request should not be the first course of action.

(2) The SAC or division head must interview the employee concerning the circumstances of the hardship. Results of the interview with specific recommendation for action must accompany the request.

(3) Medical hardship transfers are preferential in nature in that an Agent receiving same may be transferred into a field office ahead of a more senior Agent who stands higher on the PRL. In light of the preceding, a permanent hardship transfer will be designated as a PRL transfer and the Agent will be ineligible for further PRL consideration.

The employee will be ineligible for a specialty or EDSP transfer if he/she is in receipt of a permanent medical hardship transfer. If the employee requests removal of permanent hardship status (for medical reasons) a medical report and/or tests must accompany the request for evaluation by the CMO, FBIHQ, if appropriate. Upon confirmation by the CMO for removal of the hardship the employee can be considered for EDSP or a specialty transfer.

11-4.2 General Hardship (See MAOP, Part 1, 11-16.5.)

(1) PARENTAL HARDSHIPS: Dealing with the infirmities attendant with the aging process is a common experience to all employees with living parents and in-laws. As such, employees cannot expect hardship transfers. The Administrative Services Division will, however, consider, with concurrent SAC approval, on a case-by-case basis, consistent with staffing needs, affording permanent hardship transfers due to parental illness, when the illness is of a life threatening nature and creates an extraordinary medical hardship. In making a transfer determination the Administrative Services Division will examine a number of factors to include, but not limited to: whether a TDY hardship assignment will alleviate the hardship; the parent(s)/in-law(s) ability to move to the location of the Agent; medical facilities available at the Agent's location; availability of other family member(s) to assist parent(s)/in-law(s); availability of home care services and assistance of long-distance care organizations.

(2) CHILD CUSTODY HARDSHIPS: In situations where FBI personnel, who are parents of minor children, are divorced, subsequent to their entry on duty with the FBI, consideration will be given to the issuance of child custody hardship transfers on a case-by-case basis. In instances wherein an employee has court-ordered custody of, or visitation rights to, his/her children, limited to a specific locale, the Transfer Unit will make every effort to approve a transfer, subject to staffing requirements and the availability of funds. In all other instances, requests for transfers will be adjudicated based upon the totality of the circumstances. If appropriate, the Transfer Unit may consider a regional transfer as a means of addressing a child custody hardship transfer request.

The Transfer Unit will consider all pertinent facts in making transfer determinations, to include, but not limited to: (1) the well-being of the minor children; (2) the employee's legal rights/obligations to the children pursuant to a court order(s) or a court-authorized custody agreement; and (3) if appropriate, the extent to which the employee contested the order granting custody. All requests for transfers must be supported by appropriate documentation, such as pleadings, court orders, and/or medical/psychological reports.

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(3) **FINANCIAL HARDSHIP:** Financial problems generally will not substantiate a hardship request, particularly when the basis is the inability to sell a residence in light of the transfer relocation benefits.

11-4.3 Hardship Transfer Review Board (See MAOP, Part 1, 11-16.5.)

A Hardship Transfer Review Board (HTRB) has been established at FBIHQ, and is chaired by the Deputy Assistant Director of the Administrative Services Division. The Board is comprised of ASACs and representatives selected at random on a rotational basis from FBIHQ divisions. When a permanent hardship transfer request is denied, this decision may be appealed by submitting a letter to the Administrative Services Division, FBIHQ, requesting that the transfer denial be reviewed by the HTRB. The Board will review each case and submit a recommendation to the Assistant Director, Administrative Services Division, for final adjudication.

11-4.4 Deleted

11-4.5 Deleted

11-4.6 Deleted

11-5 TEMPORARY HARDSHIP TRANSFER REQUESTS AND PROCEDURES (See MAOP, Part 1, 11-16.5 and 11-17.)

(1) In instances where a temporary hardship assignment would address the employee's needs to alleviate a personal hardship, a request can be made to the Transfer Unit, Administrative Services Division. The request must contain the recommendation of the employee's SAC or division head and the concurrence of the SAC at the office of temporary assignment. Requests for temporary hardship can only be made for a period of 30 days with limited 30-day extensions granted on a case-by-case basis. Documentation in support of the temporary hardship must be reviewed by the SAC or division head with an explanation of the basis for hardship in the request submitted to FBIHQ.

(2) Temporary hardship transfers must be authorized by FBIHQ to ensure that appropriate changes are made for the employee's cost code and time and attendance accountability.

(3) In the event that a temporary hardship assignment is granted, all expenses of same must be borne by the employee inasmuch as no per diem or transportation expenses are authorized.

11-6 TRANSFER POLICY FOR MARRIED SPECIAL AGENT COUPLES AND FOR SPECIAL AGENTS WITH NON-BUREAU SPOUSES

(1) All SAs, including married SA couples, must be available for general and special assignment.

(2) In assignments of Agent married couples, the Bureau will make every effort to preserve a common household. Refer to Section 11-10.

(3) In assignments of Agents with non-Agent FBI employee spouses, every effort will be made to provide the non-Agent FBI employee spouse with FBI employment opportunity in the new office if

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such is requested; however, no guarantee as to employment, grade level, and positions available can be made.

(4) Married Agent couples will not be considered for a PRL transfer to the same office, utilizing either joint eligibility or separate eligibility methods, unless both Agents list that division on the PRL. If the Agent indicates a desire to be transferred using the joint eligibility method, he/she will be passed over on the PRL until both Agents' names appear on the same PRL. In determining seniority for PRL transfer purposes for married Agent couples, the couple may choose joint PRL eligibility by EOD averaging. This method guarantees a "common household" PRL transfer - both would be transferred together.

(5) In the case of a preference for a particular RA vacancy, both Agents must have listed that RA to be considered in the initial canvass of the PRL by the Transfer Unit. Staffing of an RA with a married Agent couple will be contingent upon the staffing needs of the RA and the authorized complement as determined by the SAC/ADIC and the Administrative Services Division.

(6) Married Agent couples may choose separate PRL eligibility based on their own EODs. Under this method, each Agent must qualify for a PRL transfer based solely upon his/her own seniority. Subsequently, if the Agent accepts a PRL transfer utilizing this separate PRL eligibility method, any resulting separation will not be the basis for "common household" or hardship transfer consideration.

(7) Married Agent couples need not preselect one eligibility method. Rather, they may choose either the joint or the separate method at the actual time they qualify for PRL selection. In the event that one of the Agents has received a PRL transfer during his or her career, the married Agent couple MUST select the separate PRL eligibility based solely on the EOD of the Agent who has not received a PRL. The spouse will be accommodated through a no-cost common household transfer.

(8) Due to the large number of employees with working spouses, requests for transfer or for transfer cancellation based upon the outside employment of an Agent's non-Bureau spouse are considered preferential in nature and will not be approved regardless of the spouse's income, career advancement, or restricted geographic employment of the spouse.

An exception to this policy will be considered only if the spouse is employed by another DOJ law enforcement agency. In these instances the transfers will be at no-cost to the Bureau, as described below in connection with no-cost transfers. (See II-10.)

11-7 REMOVAL FROM EXECUTIVE DEVELOPMENT AND SELECTION PROGRAM (EDSP) (See MAOP, Part I, 3-6.1, 3-7.1 and 11-3.)

(1) All Supervisory Special Agents (SSAs) who request removal in writing from the EDSP will be afforded a PRL transfer only if that Agent is eligible for a PRL transfer, is number one on the PRL for the desired office, has not received a cost transfer within the past year, and a staffing need exists.

(2) An SSA assigned to FBIHQ who requests removal in writing from the EDSP and does not qualify for a PRL transfer as set forth in (1) above, will be reverted to a GS-13 and transferred, at no cost to the government, to Washington Field Office or Baltimore (unless staffing needs dictate otherwise) and, thereafter, be afforded the same PRL considerations as any other Agent.

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(3) An SSA assigned to a field division who requests removal in writing from the EDSP and does not qualify for a PRL transfer as set forth in (1) above, will remain assigned, in an investigative capacity, in that same division with the same PRL eligibility as any other Agent and revert to a GS-13.

(4) Under exceptional circumstances and where critical operational/administrative needs dictate, an SSA assigned to FBIHQ who requests removal in writing from the EDSP but does not stand number one on the PRL for the desired office, or that office does not have a current staffing need, may request removal from the EDSP and remain in his/her current assignment until attaining number one standing on the PRL and a staffing need exists in the respective office; otherwise, he/she will be transferred in accordance with (2) above. This is contingent upon the approval of the division head and concurrence of the Special Agent Mid-Level Management Selection Board. The Agent will not be considered for further administrative advancement and will not be allowed to apply for positions in the EDSP while awaiting movement into the desired office.

(5) Requests by SSAs for removal from the EDSP should be forwarded through the employee's SAC or division head to the Administrator, EDSP, with a copy to the Transfer Unit. The request must contain the statement that the SSA is willing to accept a reduction in grade in connection with the request, if appropriate. An SSA requesting removal from the EDSP resulting from the directed transfer of his/her Bureau-employed spouse must also be willing to accept a reduction in grade, however, may remain in the EDSP as a relief supervisor.

11-8 UNDERCOVER TRANSFER POLICY

(1) Selection of Undercover Agents (UCA) will continue to be made by the Criminal Investigative Division (CID) and the National Security Division (NSD). Upon identification of candidates for a particular assignment, the Administrative Services Division will review the selections for transfer eligibility. After the Administrative Services Division's review, CID or NSD will select the UCA for the assignment and, thereafter, make recommendations to the Administrative Services Division regarding transfer of that individual depending on the particular operation and duration of the assignment. After [REDACTED] undercover operation, [REDACTED]

[REDACTED] is authorized, consideration will be given to permanently transfer the UCA to that office taking into account staffing and budgetary considerations. In intelligence undercover operations [REDACTED]
[REDACTED]

(2) Upon completion of an undercover assignment or termination of an operation, CID or NSD may make recommendations for transfer of the UCA:

(a) [REDACTED]
[REDACTED]

(b) [REDACTED]

(c) [REDACTED]

(3) If transfer is deemed appropriate, the Agent will be afforded a PRL transfer provided he/she is net #1 on the PRL and a staffing need exists. If the Agent does not qualify for a PRL transfer, the

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Administrative Services Division will make a selection for transfer assignment based on staffing requirements.

(4) A PRL transfer will not be used as a reward in connection with undercover assignments.

(5) An Agent will generally be eligible for transfer into an undercover role after completing four years in the Agent's current office of assignment. An Agent will be ineligible for transfer into an undercover role if the Agent has consummated a cost transfer within the past year.

11-9 AMENDED TRANSFERS (See MAOP, Part II, 1-3.3.)

An amended transfer from Headquarters City to an RA does not constitute a second full-cost transfer, but is rather a continuation of the original transfer. Therefore, it is necessary that the SAC endeavor to make a decision to amend the pending transfer of an Agent directly to an RA before the Agent reports to the division or, in the case of a new Agent, before the Agent graduates from new Agents' training. In the event further evaluation is believed necessary, this decision may be deferred but should be submitted no later than 30 days following the Agent's arrival in the division. The Agent should be advised that his/her transfer may be amended, and this notification documented, so that appropriate arrangements may be made. It is also necessary to ensure that an Agent does not incur unnecessary and possible nonreimbursable expenses in connection with his/her relocation.

11-10 COST/NO-COST TRANSFER DETERMINATIONS (See MAOP, Part 1, 11-3.9 and 11-6.)

(1) Ordinarily, upon being transferred from one official duty station to another for permanent duty, SAs shall be paid travel and transportation expenses and applicable allowances only if: (a) the distance between the location of the old official duty station and the new official duty station is at least 50 miles AND, in the case of an intraoffice transfer, (b) the one-way commuting distance from the old residence to the new official duty station is at least 10 miles greater than the one-way commuting distance from the old residence to the old official duty station OR the one-way commuting time from the old residence to the new official duty station is at least 45 minutes greater than the one-way commuting time from the old residence to the old official duty station. Official mileage determinations will be made by the Transfer Unit, Administrative Services Division, based upon a computer database utilized by both the Administrative Services Division and the Finance Division. In instances wherein an SA's commute will be increased by more than 45 minutes, it is incumbent upon the division head to provide verification of the impact of the transfer on the SA.

(2) No-cost transfers generally will not be approved because of their adverse impact upon other transfer policies. Exempt from this policy are "Permanent Common Household" SA Couples. FBI Agents who are partners in a "permanent common household" may request a no-cost transfer to one of the Divisions where the agents are assigned. Upon certification of such a relationship, a no-cost common household transfer will be afforded. The office to which the agents are ultimately assigned will be determined by the ASD based upon the existing staffing needs of those offices, current transfer policy and any other factors deemed pertinent by the ASD.

"Permanent common household" means:

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- A. A marriage supported by a license which evidences same; or
- B. An exclusive, interdependent relationship of partnership between the employees, in which the employees intend to maintain and, to the extent practicable, cohabit a common household until the death of one of the parties.

For purposes of this section, the following definitions are applicable:

"Exclusive" means that the relationship is limited to the two employees involved and that neither is involved in a similar relationship with another.

"Interdependent" means that each partner has committed to providing lifelong care and support to the other partner without compensation.

Specifically excluded from these definitions are familial relationships wherein the parties are related by blood and/or a degree of closeness that would prohibit legal marriage in the state(s) in which the parties legally reside and/or where the parties may be transferred.

Proof of relationships as defined in item B above must also include statements notarized and made under penalty of perjury, that establish the requirements above and that establish specific, objective facts showing the existence and duration of that relationship. Such facts must be corroborated by copies of relevant documents. Objective facts showing such relationships must include matters such as the following:

- (1) A bona fide marriage engagement supported by sworn statements from both partners; or,
- (2) A civil union establishing rights, obligations, and protections equivalent to marriage under the laws of a state, supported by a license or state issued certificate which evidences the civil union; or
- (3) Joint ownership of the residence of at least one of the employees; or,
- (4) Intermingling or co-ownership of other substantial property, such as joint bank accounts or investments in which substantial amounts of money are deposited; or,
- (5) Cohabitation for an extended period of time consistent with item B; or,
- (6) Designation of the partners as primary beneficiaries or representatives in wills, durable powers of attorney, life insurance, and similar documents.

The facts establishing a relationship as defined above must have substantially pre-dated any recent notice of transfer and the request for the CHT, and must not be for the purpose of obtaining a common household transfer. Employees are also reminded that false statements made and/or submitted in conjunction with this policy will be sufficient predication for appropriate administrative action.

Unmarried partners should be aware that they are not considered "spouses" or "family members" for purposes of transfer benefits as discussed in (REF MAOP PROVISIONS).

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(3) Agents married to employees of other DOJ law enforcement agencies may, at their request, receive a no-cost common household transfer to a field office where their spouse is assigned, consistent with staffing needs. The other DOJ law enforcement agency's ability to transfer the spouse will also be considered in these situations.

(4) If an FBI Agent receives a directed transfer, his/her Agent spouse may, at their request, receive a no-cost common household transfer to accompany their spouse.

(5) FBI SAs married to employees of other DOJ law enforcement agencies may, at their request, receive a no-cost common household transfer, consistent with staffing needs, to accompany their spouse who has received a directed transfer.

11-11 SPECIALTY TRANSFERS (See MAOP, Part 1, 11-3.9.)

(1) Specialty needs of the field offices are generally identified by the ADIC/SAC through the Annual Field Office Report. For essential skills that arise through personnel transfer, retirement, or other circumstances, the division head may make a separate specialty request to the Transfer Unit. An employee who receives a specialty transfer will be expected to serve in that capacity for at least three years at the discretion of the division head.

(2) The following categories will be considered for specialty transfers:

- (a) Bureau Pilot-In-Command (PIC);
- (b) Technically Trained Agent (TTA);
- (c) Special Agent Linguists;
- (d) Special Agent Accountant (SAA)

Effective July 1, 1996, the category of Principal Legal Advisor (PLA) was eliminated from the list of certified specialties. Now considered the Chief Division Counsel (CDC), these GS-14 positions all come under the purview of the EDSP and the Office of the General Counsel (OGC). As such, these transfers will no longer be considered as specialties under this category.

(3) An Agent will generally be eligible for a specialty transfer after completing four years in the Agent's current office of assignment. An Agent will be ineligible for a specialty transfer if the Agent has consummated a cost transfer within the past year. Specialty transfer needs will generally be filled by the same method described in MAOP, Part 1, 11-3.2.

(4) It is the responsibility of the individual Agent and appropriate program managers to ensure that Agents who qualify for the above specialties have the appropriate information included under "skills" in their current information in BPMS. Failure to maintain the necessary accreditation or failing to update the information maintained in BPMS will result in a specialty designation not appearing on the published PRL.

(5) Deleted

11-11.1 Special Agent Linguists

(1) In considering Special Agent Linguists for transfer, eligibility will be based on the Agent's valid oral language proficiency of 2+ or higher and the concurrence of the appropriate FBIHQ program

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managers and the Language Training and Assessment Unit (LTAU), FBIHQ, concerning the office's need for a specific language skill.

(2) To qualify for a PRL specialty transfer, Special Agent Linguists with an oral proficiency of 2+ must be tested by the LTAU once a year. Oral proficiencies of 3 or 3+ require testing every three years. Oral proficiencies of 4, 4+, and 5 require testing every five years.

(3) To be considered for a PRL transfer as a Special Agent Linguist, and to have the designation appear next to an Agent's name, the Agent must meet the minimum oral proficiency requirement and the required testing criteria established by the LTAU. It is the responsibility of the Agent to ensure that his/her appropriate test scores have been entered and that he/she has been tested as required by the LTAU.

(4) In the event of a critical staffing need for Special Agent Linguists which necessitates the use of an NVRT, an oral language proficiency of 2 or higher (recorded at any time during an Agent's career) will qualify the Agent for consideration.

11-11.2 Technically Trained Agent (TTA) Program (See MIOG, Part 2, 16-7.2.3.)

The selection of candidates to fill TTA vacancies will be accomplished through fieldwide advertisements of the vacancy. Transfer Unit will furnish the Operational Technology Division, Technical Operations Section, a list of candidates who have expressed an interest in the TTA vacancy. The Operational Technology Division, Technical Operations Section, will, thereafter, evaluate each candidate and make its recommendation to Transfer Unit for the best qualified TTA to fill the vacancy.

11-11.3 Moved to 11-14.3

11-11.4 Moved to 11-14.4

11-11.5 Moved to 11-14.5

11-11.6 Moved to 11-14.6

11-11.7 Moved to 11-14.7

11-11.8 Moved to 11-14.8

11-12 HOSTAGE RESCUE TEAM (HRT) TRANSFER POLICY (See MIOG, Part 1, 244-7.)

The following procedures for transfer are available to HRT members designated as Operators.

(1) Agents who are selected for HRT and have completed the four-year commitment, as an Operator, have the following transfer options:

(a) To report to WFO as part of the Agent work complement.

(b) If number one on the PRL, will be afforded a PRL transfer to that office consistent with staffing needs and budgetary restraints.

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(c) Accepting a specialty transfer other than an HRT specialty transfer consistent with fieldwide operational needs (such as undercover assignments), or promotional opportunities available to SAs of the FBI.

(d) After completion of four years as an HRT Operator, SAs will be afforded the opportunity to accept the HRT specialty transfer to any field office, based on the operational/specialty needs of that office. Agents eligible for an HRT specialty transfer based on the operational needs of a field office will be selected from qualified team members on the PRL, based on the recommendation of the HRT management, consistent with the staffing needs of the HRT. In the event a qualified and recommended HRT team member cannot be found on the requesting office's PRL, the HRT specialty transfer will be offered to other HRT members under the same criteria. The HRT member transferred under these terms will not be considered as having received a PRL transfer, and the Agent will maintain his/her PRL eligibility. Prior to the issuance of such a transfer, a field office must have a documented critical need for an HRT-trained Agent.

(e) In the event no current HRT member is available for a specialty transfer, the requesting field office will be offered assistance by the HRT in training available field office personnel in needed HRT proficiency. This will be accomplished consistent with HRT availability.

(2) Agents who have successfully completed a five-year assignment as an HRT Operator will have the following options in addition to those set above:

(a) At the conclusion of an Agent's fifth year of service on the HRT, consistent with budgetary considerations, Agents who desire to do so will be transferred back to their previous office of assignment, irrespective of staffing vacancies in that particular division. This option will not be considered a PRL transfer.

(b) At the conclusion of an Agent's fifth year of service on the HRT, consistent with budgetary considerations, he/she will be given a list of seven offices that have a need for an Agent. The Agent will be afforded the opportunity to receive a transfer to one of the seven offices he/she selects. The offer will not be considered a PRL unless so designated by the Agent transferred.

(3) Agents who have successfully completed a six-year assignment as an Operator on HRT, consistent with budgetary considerations, will be eligible to receive a transfer to the office listed as their PRL, irrespective of staffing vacancies in that particular division. The Agent's Resident Agency of preference, if any, will also be considered, with the concurrence of the affected SAC, based upon existing staffing needs.

(4) An Agent will generally be eligible for a transfer to HRT, as an Operator, after completing four years in the Agent's current office of assignment. This requirement may be waived, on a case-by-case basis, by the Transfer Unit.

11-12.1 Moved to 11-15.1

11-13 SPECIAL AGENT REINSTATEMENT ASSIGNMENT POLICY (See MIOG, Part 1, 67-6.8 (5).)

Assignment of SAs who have been reinstated will be determined by the Transfer Unit based strictly on the needs of the Bureau. The Agent will be given the opportunity to indicate geographic

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preferences; however, ultimate assignment will be determined by the staffing needs of the field offices as well as the need for any skills the Agent may possess. First consideration will be given to assign the Agent to his/her last office of assignment. Unique and unusual situations will continue to be addressed separately and evaluated on a case-by-case basis; for example, reinstating an Agent who qualifies for a PRL or who is married to an on-board Agent.

11-13.1 Moved to 11-16.1

11-13.2 Moved to 11-16.2

11-13.3 Moved to 11-16.6

11-13.3.1 Moved to 11-16.3.1.

11-13.4 Moved to 11-16.5

11-13.5 Moved to 11-16.5

11-13.6 Moved to 11-16

11-13.7 Moved to 11-16.7

11-13.8 Moved to 11-16.8

11-14 TRANSFER TO FOREIGN OFFICES, ANCHORAGE, HONOLULU AND SAN JUAN - SPECIAL AGENT AND SUPPORT

11-14.1 Service Agreement (FD-382) (See Legal Attache Manual, 2-6.1 and 4-4.1.)

Employees selected for assignment in the offices set out below must execute a service agreement to serve tours of duty as specified:

- (1) Anchorage and Honolulu - Agents must serve two years with subsequent tours of one, two, or three years at the employee's option.
- (2) Legal Attache Offices - Agent and support personnel must serve an initial three-year tour of duty with subsequent tours of one or two years at the employee's option. Assignment to high-threat and/or hardship post so designated by the Department of State will be for a two-year period, and the employee may request an additional tour of one, two, or three years.

FBIHQ must be informed of Legat employee's intention to request, or not request, an additional tour of duty or extension of current tour at least one year prior to the date the employee completes current tour of duty. FBIHQ must be informed of the employee's home leave and/or leave plans for purpose of travel at least three months prior to employee's completion of a tour of duty.

- (3) San Juan - Agents - three years for initial contract, renewable annually thereafter. Agents are entitled to receive home leave at the conclusion of their first two years and after their third year.

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Agents who sign an agreement to remain a fifth year will also be entitled to home leave after their fourth year.

(4) Anchorage, Honolulu, and San Juan - Support Personnel - These transfers are permanent assignments. Employees must agree to remain in the service of the government for a specified period not more than three years from the effective date of the transfer.

11-14.2 Execution of Service Agreement

(1) An original and two copies of the Service Agreement will be attached to the letter of transfer to Anchorage, San Juan, Honolulu, and foreign offices. All must be executed and the original and one copy should be returned to FBIHQ. The second copy should be retained in the field file.

(2) The Service Agreement must be executed by employee before the Bureau can pay any transfer-related expenses, including travel and transportation of employee, employee's family, and household goods. The terms of the Service Agreement must be fulfilled before the Government will pay return expenses. If the terms of the Service Agreement are not completed because of separation from service, the reasons for separation must be beyond the control of the employee and agreeable to FBIHQ before return expenses are paid by the Government.

11-14.3 Annual Leave, Home Leave, and Tour Renewal Travel (See Legal Attache Manual, Part 1, 2-6.1 and 4-4.2.)

(1) A new Service Agreement must be executed by overseas personnel seeking an additional tour of duty. The new agreement must be completed prior to the termination of the existing tour of duty. Advise FBIHQ at least three months prior to completion of existing tour of employee's intention to seek an additional tour and employee's plans concerning annual leave, home leave, and/or tour renewal travel.

(2) Employees and dependents are eligible for travel and transportation expenses to their actual place of residence in the U.S. after completion of the agreed tour of duty and execution of an additional Service Agreement for a subsequent tour. For detailed information concerning travel and transportation allowances, see Chapter 302, Federal Travel Regulations.

(3) Employees assigned to foreign offices, who have completed 24 months of continuous service, are entitled to additional leave, termed home leave. An employee who is eligible to take home leave receives only the opportunity to take paid time away from the office, similar to annual leave. The home leave benefit does not include paid transportation. Employees earn home leave for each 12 months of service abroad. For details concerning home leave see the LEAVE POLICY MANUAL.

(4) In the event of any change of legal residence in the United States, employee must execute a new Service Agreement showing that change which must be approved by the Bureau.

(5) Home leave is not required to be used strictly to return to an employee's actual place of residence in the U.S. Home leave is granted for use in the United States, the Commonwealth of Puerto Rico, or a territory or possession of the United States, and during an employee's period of service abroad, or within a reasonable period after a return from service abroad when it is contemplated that the employee will return to service abroad immediately or on completion of an assignment in the United States.

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11-14.4 Physical Examinations

Support personnel transferred to San Juan and foreign offices must be afforded a physical examination. Results of the examination and any special tests required by FBIHQ must reach the Bureau prior to departure of employee to new office of assignment.

11-14.5 Cost of Living Allowance

Employees assigned to Anchorage, Honolulu, and San Juan are entitled to a cost of living allowance not subject to federal income tax. The amount of allowance fluctuates based on periodic studies made by the U.S. Department of Labor. Employees should contact FBIHQ, Payroll Administration and Processing Unit, Finance Division, to determine the current allowance.

11-14.6 Transportation of Household Goods

Relocation Management Office, Fleet Management and Transportation Services Unit, Finance Division, will handle necessary arrangements for transportation of household goods of employees. For details, see Part II, 6-2.2.1 through 6-2.2.3, of this manual.

11-14.7 Checks and Bonds

In the event employee does not want checks and/or bonds forwarded to their home address, FBIHQ, Payroll Administration and Processing Unit, Finance Division, should be given instructions as to their handling.

11-14.8 Income Taxes

Employee should be aware of regulations concerning payment of Federal and local income taxes. Residence in a foreign country may not excuse employee from being taxed by authority covering previous office of assignment. Immediately advise FBIHQ should a controversy arise with any taxing authority.

11-15 TRAINING OF EMPLOYEES FOR FOREIGN ASSIGNMENT (See MAOP, Part II, 8-2.3.)

Material on living conditions in Honolulu, Anchorage, San Juan, and our foreign installations will be furnished to the employee upon transfer. SAC should arrange for an employee under foreign transfer to utilize local library facilities for appropriate books concerning the culture and background of the country of assignment.

11-15.1 Training of Support Employees for Foreign Assignment

(1) Field Support Functions - Support employees selected for foreign assignment must, before their departure, receive two full weeks' training in field support functions. SACs should ensure that the training afforded them is type they would need if they were assuming duties of Administrative Officer in small- to medium-sized office and should encompass the following:

- (a) Handling of mail (including stamping, searching, matching, indexing, serializing, etc.)
- (b) Opening and closing cases
- (c) File reviews

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- (d) Preparation of administrative report
- (e) Preparation of expense accounts
- (f) Handling and filing of SAC letters and SAC Memoranda
- (g) Preparation of 1-A serials and bulky exhibits
- (h) Tickler systems
- (i) Maintenance, consolidation, and destruction of file
- (j) Deleted
- (k) Operation of duplication machine
- (l) Preparation of vouchers connected with operation of official cars and maintenance of office fund records
- (2) Cryptographic systems - Employees under transfer to foreign offices will be given three to five days' training at FBIHQ in the operations and security of cryptographic systems.
- (3) Briefing by SAC or division head at FBIHQ - For various reasons, it is not always possible to bring field support personnel selected for foreign assignment to FBIHQ for briefing before their departure. SACs should call employees' attention to fact that while in foreign office of assignment they will be known as an employee of the American Embassy, insofar as general public is concerned, although official contacts of the office know of relations between Bureau and Legal Attache's office.
- (4) Conduct - It should be stressed that conduct abroad must be maintained at all times in accordance with Bureau standards. In matters of conduct and dress, employees must adhere to good taste within the standards of the country to which they are assigned. Inform employee that if employee plans to take his/her personally owned automobile, uniform regulations maintained by the U.S. Posts require that only inconspicuous automobiles should be imported.
- (5) Instructions by Legal Attache - Legal Attaches are responsible to ensure new employees are instructed in maintenance of teletype records, listing and preparation of pouches, security of information pertaining to pouch preparation, maintenance of pouch records and use of courier service. Legal Attache must also ensure new employee is afforded cryptographic systems training and in the preparation, handling, and dissemination of classified documents. Legal Attache should also instruct new employees in maintenance of security peculiar to the Attache operations, including the use of the telephone, personal contact, disposal of trash, and social gatherings.

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11-15.2 Moved to 11-18.2

11-15.3 Moved to 11-18.3

11-15.4 Moved to 11-18.4

11-15.4.1 Moved to 11-18.4.1

11-15.4.2 Moved to 11-18.4.2

11-15.4.3 Moved to 11-18.4.3

11-15.4.4 Moved to 11-18.4.4

11-16 SUPPORT PERSONNEL TRANSFER POLICY

11-16.1 General Policy

(1) FBI support employees may be noncompetitively transferred to other field offices or FBIHQ through the following methods:

- (a) Support Employee Transfer Availability List (SETAL) transfers.
- (b) Bureau Spousal Transfers
- (c) Non-Bureau Spousal Transfers
- (d) Hardship Transfers
- (e) Special Position Personnel Resource List (PRL) Transfers.

Policies concerning competitively posted positions are contained in the MAOP, Part 1, Section 7, captioned "Merit Promotion and Placement Plan."

(2) Under normal circumstances, entry-level general clerical vacancies are filled by local recruitment and/or through the use of the SETAL. The use of the SETAL to fill vacant clerical positions is not mandatory, but is highly recommended.

11-16.2 Support Employee Transfer Availability List (SETAL) Transfers

(1) The SETAL is a list of support employees interested in being afforded a no-cost transfer, for their personal convenience, between field offices or between a field office and FBIHQ. The SETAL may not be used for transfers between FBIHQ divisions, organizational components within a field office, or organizational components within an FBIHQ division or office. In the interest of simplicity and equity, positions filled through the use of the SETAL are entry-level, general clerical positions only.

(2) Eligibility - In order to be eligible for a SETAL transfer, a support employee must satisfy the following criteria:

- (a) One year's continuous service with the FBI.

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- (b) A rating of "Meet Expectations" on his/her most recent performance appraisal.
- (c) Agree to accept a demotion to an entry-level, general clerical position.
- (d) Agree to bear all costs associated with the transfer.
- (e) Agree to work whatever shift is required by the receiving office.
- (f) Be able to report for duty within 90 days of the issuance of transfer orders.
- (3) A support employee is ineligible for a SETAL transfer if:
 - (a) He/She has consummated a SETAL transfer within the past one-year period.
 - (b) If the employee is censured and placed on probation, that employee will not be eligible for a SETAL transfer as long as he/she is on probation. In aggravated situations involving any disciplinary matter where administrative action is warranted, an evaluation will be made on a case-by-case basis to determine if the circumstances warrant exclusion from consideration for a SETAL transfer.

Additionally, prior to effecting a SETAL transfer, the concurrence of the employee's division head must be obtained. Exigent operational necessity may, at times, provide a temporary basis to forestall the transfer or relocation of employees who possess critical skills. Release may also be temporarily denied when granting the request would have a significant negative impact on organizational efficiency or effectiveness. If an employee is denied release from his/her current office for more than 30 days, pursuant to a SETAL transfer, the concurrence of the Transfer Unit must be obtained.

(4) Requesting a SETAL Transfer

- (a) Support employees are obligated to keep their SETAL preferences current and are only allowed to designate, or change, their preferences during January and July. Only one office of preference may be selected by each employee. Employees may also designate resident agencies (RAs) of preference, within their office of preference, or may designate RAs only, within their office of preference.
- (b) The designation of an office of preference and/or RA(s) of preference on the SETAL must be accomplished through the submission of an FD-817 to the Transfer Unit (TU), Operational Support Section (OSS), Administrative Services Division (ASD).
- (c) Support employees may remove their name from the SETAL at any time by submitting an FD-817 to the TU, requesting that their name be deleted from the SETAL. In order to avoid a one-year SETAL penalty, the request to remove a name from the SETAL must be received by the TU prior to a transfer offer.

(5) SETAL Transfer Procedures

- (a) Identification of Vacancies - Each field office or FBIHQ division which is below its authorized support Funded Staffing Level (FSL) may request the transfer of general clerical personnel to their office by the submission of an EC to the TU, OSS, ASD. Offices may consider employees on the SETAL together with those listed on their Bureau Applicant Availability List.

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(b) Upon the concurrence of the Resource Management and Allocation Board (RMAB), the SETAL list for the requesting office will be reviewed and the most senior (based upon Bureau EOD) qualified employee on the SETAL will be offered a transfer. In instances where an office has requested a particular entry-level skill, such as a Bureau-approved typist, the most senior qualified employee on the SETAL with that skill will be offered a transfer. The employee must affirmatively respond within three days, excluding weekends and holidays, of receiving an offer for a SETAL transfer to remain eligible for transfer and avoid a one-year penalty.

(c) Upon receipt of SETAL transfer orders, the transferred employee may immediately compete or otherwise be selected for other positions in his/her new office. Employees who take a demotion in connection with their transfer are eligible to compete for positions at the highest grade level for which they satisfy all minimum qualifications (e.g., an employee with one year at grade GS-8 who demotes to a grade GS-4 position may be eligible to compete for grade GS-9 positions upon transfer to the new office, if they possess the requisite knowledge, skills and abilities and specialized experience).

(d) If a support employee declines a SETAL transfer offer, he/she will receive a one-year penalty from SETAL consideration, effective the date of the transfer offer declination. The receipt of the one-year penalty will be confirmed in writing by the TU and include the date the one-year penalty begins and expires. Support employees receiving a SETAL penalty may remain on the list, but will not be considered for a SETAL transfer until the expiration of the one-year penalty.

11-16.3 Bureau Spousal Transfers

(1) A Bureau spousal transfer is the transfer of an FBI support employee in order to allow that employee to maintain a common household with his/her FBI-employed spouse, who has been transferred to a different commuting area. Additionally, Bureau spousal transfers may be requested in order to allow two FBI employees to establish a common household upon their marriage or commitment to marriage. Without exception, approvable Bureau spousal transfers will be effected regardless of an office's FSL.

(2) Requesting a Bureau Spousal Transfer

(a) In the case of a request for a Bureau spousal transfer in order to accompany a spouse who has been transferred to a different commuting area, the affected employee should submit an electronic communication (EC) to the TU, OSS, ASD, requesting such a transfer. The EC should reference the spouse's transfer by name, destination, and Transfer Cost Number. It should also state the employee's willingness to accept a demotion to an entry-level position, if necessary, to bear all costs associated with the transfer and to be available for assignment to any shift.

(b) In the case of a request for a Bureau spousal transfer in order to allow two FBI employees to establish a common household upon their marriage or commitment to marriage, the employee interested in a transfer to his/her spouse's or intended spouse's location should submit an EC to the TU, OSS, ASD, requesting such a transfer. Proof of marriage or commitment to marriage (and the anticipated date of the marriage) should be provided with the EC. The EC should also state the employee's willingness to accept a demotion to an entry-level position, if necessary, to bear all costs associated with the transfer and to be available for assignment to any shift. The ASD will

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determine which office the employees will be assigned to, consistent with staffing needs of those offices and the needs of the FBI. Transfers requested upon commitment to marriage will not be granted more than 30 days prior to the scheduled wedding date. In the event that a proposed marriage does not take place, the transferred employee will be required to return to his/her previous office of assignment.

(3) Placement in other than entry-level positions will be at the discretion of the receiving office based upon current vacancies. Additionally, upon receipt of Bureau spousal transfer orders, employees may immediately compete for other positions in their new office.

11-16.3.1 Deleted

11-16.3.2 Deleted

11-16.4 Non-Bureau Spousal Transfers

(1) A Non-Bureau spousal transfer is the transfer of an FBI support employee in order to allow that employee to maintain a common household with his/her non-FBI employed spouse. Non-Bureau spousal transfer requests will be accommodated when possible. Non-Bureau spousal transfers are contingent upon the approval of the RMAB. Non-Bureau spousal transfers will only be granted based upon proof of marriage.

(2) Requesting a Non-Bureau Spousal Transfer

(a) Support employees may request a Non-Bureau spousal transfer through the submission of an EC to the TU, OSS, ASD. The EC should state the employee's willingness to accept a demotion to an entry-level position, if necessary, to bear all costs associated with the transfer and to be available for assignment to any shift. Non-Bureau spousal transfer requests should not be submitted to the TU more than 90 days in advance of the desired transfer date.

(3) Placement in other than entry-level positions will be at the discretion of the receiving office based upon current vacancies. Additionally, upon receipt of Non-Bureau spousal transfer orders, employees may immediately compete for other positions in their new office.

11-16.5 Hardship Transfers (See MAOP, Part 1, 11-4, 11-4.1, 11-4.2, 11-4.3, 11-5, & 22-7.)

(1) Requests for hardship transfers must be forwarded to the TU, OSS, ASD, through the employee's division head. Documentation supporting the hardship and the recommendation of the division head must accompany the request. Additionally, all requests must contain a statement by the support employee that he/she is willing to accept a demotion to an entry-level position, if necessary, to bear all costs associated with the transfer and to be available for assignment to any shift (unless shift availability is precluded by the nature of the hardship).

(a) Medical Hardships - Generally, conditions existing prior to an employee's EOD will not form the basis for a medical hardship transfer. Medical hardship transfers may be granted, consistent with staffing needs, for articulated medical reasons, such as the need to be in a specific geographic area or near a specific medical facility to address the health needs of the employee, spouse, child, or legal dependent. All medical hardship transfer requests must be accompanied by detailed

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supporting medical documentation provided by the employee. Such documentation must include a diagnosis and prognosis for all medical conditions. Medical hardship transfer requests are reviewed by the Chief Medical Officer (CMO) at FBIHQ and in some instances by other specialists. Alternatives to a permanent transfer must first be examined, such as requesting a TDY hardship assignment. A medical hardship transfer request should not be the first course of action.

(b) Parental Hardships - Dealing with infirmities attendant with the aging process is a common experience to all employees with living parents and in-laws. As such, employees cannot expect hardship transfers for these circumstances. The ASD will, however, consider, with concurrent SAC approval, on a case-by-case basis, consistent with staffing needs, affording parental hardship transfers based on parental illness, when the illness creates a significant medical hardship. In making a transfer determination, the ASD will examine a number of factors to include, but not limited to: whether a TDY hardship assignment would alleviate the hardship; the parent(s)/in-law(s) ability to move to the location of the employee; medical facilities available at the employee's location; availability of other family members to assist parent(s)/in-law(s); availability of home care services and assistance of long-distance care organizations.

(c) Financial Hardships - Financial problems generally will not substantiate a hardship transfer. However, requests will be reviewed on a case-by-case basis, with concurrent SAC approval, to determine whether a transfer would help to alleviate the employee's financial problems. Financial hardship transfer requests must be accompanied by a professional written assessment of the employee's financial situation. The assessment must demonstrate the employee's inability to function at his/her current location and provide a functional plan to aid the employee in attaining financial stability. Such an assessment may be obtained through a private financial counseling entity, a public financial counseling entity or through the Employee Assistance Unit (EAU), ASD. The financial assessment should specifically address how a requested transfer would help to alleviate the employee's financial problems. Consideration should also be given to what effect the cost of the transfer and a potential demotion would have on the employee. Financial assessments made by other entities will be reviewed by the EAU and in some instances by other specialists.

(d) Child Custody Hardships: In situations where FBI personnel, who are parents of minor children, are divorced, subsequent to their entry on duty with the FBI, consideration will be given to the issuance of child custody hardship transfers on a case-by-case basis. In instances wherein an employee has court-ordered custody of, or visitation rights to, his/her children, limited to a specific locale, the Transfer Unit will make every effort to approve a transfer, subject to staffing requirements and the availability of funds. In all other instances, requests for transfers will be adjudicated based upon the totality of the circumstances. If appropriate, the Transfer Unit may consider a regional transfer as a means of addressing a child custody hardship transfer request.

The Transfer Unit will consider all pertinent facts in making transfer determinations, to include, but not limited to: (1) the well-being of the minor children; (2) the employee's legal rights/obligations to the children pursuant to a court order(s) or a court-authorized custody agreement; and (3) if appropriate, the extent to which the employee contested the order granting custody. All requests for transfers must be supported by appropriate documentation, such as pleadings, court orders, and/or medical/psychological reports.

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(2) Hardship Transfer Review Board - When a hardship transfer request is denied, the decision may be appealed by submitting a letter, within 15 days of the denial, to the ASD, FBIHQ, requesting that the transfer denial be reviewed by the support employee Hardship Transfer Review Board (HTRB). The HTRB has been established at FBIHQ, and is chaired by the Deputy Assistant Director, Personnel Assistance and Facilities Management Branch, ASD. The HTRB is comprised of Administrative Officers (AOs) from local field offices and representatives selected at random on a rotational basis from FBIHQ divisions. The HTRB will review each case and submit a recommendation to the Assistant Director, ASD, for final adjudication.

11-16.6 Special Position Personnel Resource List (PRL) Transfers (See MAOP, Part 1, 22-5.4, 22-7.) (Formerly 11-13.3)

Due to the unique nature of their positions, incumbents in the Special Surveillance Group (SSG) Program and the Language Specialist (LS) Program are eligible for consideration for personal convenience, no-cost, special position PRL transfers to offices of their preference. Special position PRL transfers for the SSG and LS programs are administered by the respective Program Managers, consistent with the following guidelines:

- (1) A position in the desired office must be available.
- (2) The Program Manager must reasonably expect to backfill the vacancy created by the employee's transfer, if necessary, with a newly hired employee or through another no-cost transfer.
- (3) Special position PRL transfers must be effected on a seniority basis pursuant to employees' length of service in the SSG or LS program. Once the employee has received a special position PRL transfer, his/her seniority level in the program for future special position PRL transfer consideration will be calculated from the effective date of his/her last special position PRL transfer, rather than his/her overall time in the program.
- (4) The Program Manager must maintain a formal list of personnel interested in special position PRL transfers. The list must be updated at regular intervals, pursuant to procedures which must be made known to all employees within the program.
- (5) Eligibility - In order to be eligible for a special position PRL transfer, the support employee must satisfy the following criteria:
 - (a) One year's continuous service with the FBI.
 - (b) A rating of "Meet Expectations" on his/her most recent performance appraisal.
 - (c) Agree to bear all costs associated with the transfer.
 - (d) Agree to work whatever shift is required by the receiving office.
 - (e) Be able to report for duty within 90 days of the issuance of transfer orders.
- (6) A support employee is ineligible for a special position PRL transfer if:
 - (a) He/She has consummated a transfer within the past three-year period.
 - (b) If an employee is censured and placed on probation, that employee will not be eligible for a special position PRL transfer while on probation. In aggravated situations involving any

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disciplinary matter where administrative action is warranted, an evaluation will be made on a case-by-case basis to determine if the circumstances warrant exclusion from consideration for a special position PRL transfer.

(7) Exigent operational necessity may at times provide a temporary basis to forestall the special position PRL transfer or relocation of SSG or LS employees who possess critical skills. Release may also be temporarily denied when granting the request would have a significant negative impact on organizational efficiency or effectiveness. If an employee is denied release from his/her current office for more than 30 days, pursuant to a special position PRL transfer, the concurrence of the Transfer Unit must be obtained.

11-16.7 Bureauwide Posted Positions (Formerly 11-13.7)

(1) Some key positions, such as Administrative Officer and Telecommunications Manager, are required to be posted Bureauwide to ensure identifying an adequate pool of qualified candidates. In the event a field office is unable to identify an adequate pool of qualified candidates for other critical positions, in the commuting area where the vacancy is located, through internal posting and/or external recruitment, FBIHQ will consider a request to announce the vacancy to all offices in order to assist in filling such a position. Offices should submit such requests to the Staffing Unit (STAFU), Human Resource Management Section (HRMS), ASD, FBIHQ. Any transfer resulting from filling such vacancies will be considered in the best interest of, and for the convenience of, the Bureau. See Part 1, Section 7, of this manual or the Merit Promotion and Placement Plan User's Guide for guidance in determining the appropriate area of consideration for any support vacancy.

(2) In instances where the STAFU determines that there is inadequate justification to support a Bureauwide posting, vacancies may be filled through internal no-cost postings or through external recruitment. In such cases, the internal posting must specifically state that any resultant transfers will be at no cost to the Bureau.

11-16.8 Payment of Transfer Expenses

Costs incurred in connection with transfers made for the convenience of the Bureau will be borne by the government, consistent with the Bureau's policy for cost/no-cost transfer determinations, as set forth in MAOP, Part 1, Section 11-10. The vacancy announcement for a position filled through a competitive action should indicate under what circumstances the selectee will be eligible for reimbursement of relocation expenses. Costs incurred in connection with transfers made for the convenience of the employee will be borne by the employee (e.g., SETAL transfers, Bureau spousal transfers, Non-Bureau spousal transfers, hardship transfers, special position PRL transfers).

11-17 TEMPORARY DUTY ASSIGNMENTS (Formerly 11-14) (See MAOP, Part 1, 7-20.)

(1) Circumstances under which temporary duty (TDY) assignments for Special Agent (SA) and/or support personnel can be requested:

(a) Unique specialities which the requesting division is unable to address from within its existing complement, such as language ability.

(b) An investigation of such magnitude that the requesting division can justify additional personnel.

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(2) Requirements that must be met before requesting a TDY assignment. The only requirement necessary in TDY requests for unique specialties is a demonstrated deficiency in that specialty. Otherwise, the following requirements apply to TDY requests for additional investigative/support personnel in cases of such magnitude wherein such assistance is deemed necessary. The requesting division is to:

- (a) Cancel all extended annual leave.
- (b) Curtail in-service training during the pertinent period of time.
- (c) Curtail the physical training program during the pertinent period of time consistent with workload demands.
- (d) Ensure all available personnel from the existing on-board complement are fully occupied on priority work.

(3) Procedures for requesting TDY assignments. All requests must be supported by specific documentation which should be communicated to FBIHQ at the earliest possible time. Whenever there is an initial request for five or more TDY personnel in support of the same investigative matter, approval must be obtained from the Executive Assistant Director with program responsibility over the investigative matter in coordination with the Administrative Services Division (Transfer Unit). Such authority must also be sought each time a request for less than five TDY personnel increases the cumulative number of TDY personnel dedicated to an investigative matter to more than five.

(a) The Transfer Unit (TU), Administrative Services Division (ASD), is to be advised of all Agents designated for any operational TDY assignment in excess of seven calendar days. This will also include TDY assignments to contiguous divisions and intradivisional TDY assignments on SAC authority. This requirement is not applicable to travel outside of the division that is related to Special Operations Group (SOG) assignments, training, court appearances, or administrative duties.

(b) Requests for TDY assistance from SA or support personnel are to be supported by specific documentation and communicated to FBIHQ at the earliest possible date.

1. The communication is to be directed to the appropriate investigative division with a copy to TU, ASD.

2. Deleted

3. Request for SAs with foreign language abilities are to be directed to the Language Services Section, Office of International Operations (OIO), with a copy each to the appropriate investigative division and TU, ASD.

(c) Special Support Personnel:

Requests (with appropriate documentation) are to be directed to the Program Manager in the appropriate division, with a copy to the TU, ASD. Divisional responsibility is as follows:

Accounting Technicians - (See Financial Assistants) Auto Maintenance Technicians - Fleet Management and Transportation Services Unit, Finance Division Electronics Technicians - Investigative Technology Division Financial Assistants/Financial Analysts - Financial Crimes

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Section, Criminal Investigative Division (CID) Intelligence Information System Analysts - Counterintelligence Division Intelligence Analysts for drug or organized crime cases - CID Investigative Assistants (IA) - CID Language Specialists - Language Services Section, OIO Legat Personnel - OIO Pilots - Aviation and Special Operations Section, Critical Incident Response Group (CIRG) Special Surveillance Group (SSG), Special Operations Assistants (SOA) - Counterintelligence Division

(d) General Support Personnel:

Requests (with appropriate documentation) are to be directed to the TU, ASD, and the proper FBIHQ division with investigative and/or administrative oversight for the matter creating the need for assistance. Documentation should include steps taken by the division in an attempt to address the work situation which has created the need for assistance. Once approved, the TU will coordinate a canvass of pertinent divisions for available qualified personnel based on the expressed needs of the requesting division. General support includes office automation clerks/assistants, confidential clerks (OA), file clerks, Information Management Assistants, secretaries, data loaders, etc.

(4) To ensure necessary administrative steps are taken within the automated Bureau Personnel Management System, field offices and FBIHQ divisions requesting TDY general or special support assistance should ensure that the TU, ASD, is properly notified of the dates the assignment begins and ends. Requests for extensions for both SA and support TDY assignments should be submitted as soon as possible, preferably 30 days in advance, to allow for appropriate notification of all entities involved in administration of TDY assignments, e.g., Budget, Payroll, etc.

(5) Time and attendance responsibilities for TDY personnel should be assumed by the requesting office upon arrival of TDY personnel and continue through the entire TDY assignment. Time and attendance responsibilities will be reassumed by the home office on the first day following the conclusion of the TDY assignment. It is the responsibility of the requesting office to notify the TU and the home office prior to or immediately following the conclusion of a support TDY assignment to ensure administrative pay procedures are redesignated to the employee's official office of assignment. However, if the TDY assignment is to FBIHQ/Legat for a field Agent (GS-10 through GS-13 or GS-14 Chief/Associate Division Counsel) or an investigative support employee who TURKs, then the home office is responsible for the entry of the time and attendance and TURK data.

(6) Overtime for special and general support personnel must be requested and approved in advance. In the field these requests should be coordinated through the Administrative Officer's administrative staff, who should direct requests to FBIHQ, Attention: Budget Execution Unit, Finance Division.

(7) Travel costs and per diem will be at the expense of the requesting office in cases where requested assistance is for the purpose of maintaining normal field office operations. In the event of a Major Case, Special Event or other significant investigative and/or administrative matter where the appropriate FBIHQ division has made arrangements for appropriations, travel expenses may be covered by the Special Travel Reserve. In these instances, travel expenses will be charged to a specific account number which will be provided by TU at the time all TDY arrangements are made.

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Failure to use this account number will result in all expenses being absorbed by the employee's official office's existing travel budget. There will be no recourse.

(8) Employees who will be on TDY in excess of 14 days, who do not have automatic deposit and who desire their Earnings and Leave Record to be forwarded to their TDY office of assignment, should execute Form FD-655 and submit to the Accounting Section, Payroll Administration and Processing Unit, FBIHQ, as soon as possible. In those cases where time does not permit routine submission of the FD-655, the employee must contact the Payroll Administration and Processing Unit as soon as possible.

(9) All correspondence captions should include the phrase "Temporary Assistance (TDY)," with reference to pertinent case title(s), field office file number(s) or Universal Case File Number and/or FBIHQ file number, if known. SSG/SOA correspondence must include the case title.

Correspondence in response to a canvass or ongoing TDY assignment should include the employee's official Bureau name, specialty, title, and social security number. In all cases, the designation of copies should include the Administrative Officer.

It is recommended that divisions establish administrative control files to track all TDY requests for assistance as well as assistance provided to other divisions of special and/or general support personnel.

(10) Personal convenience/hardship TDY assignments for SUPPORT PERSONNEL will continue to be considered on a case-by-case basis and should be coordinated with TU, ASD. All travel and per diem costs associated with this type of assignment are at the expense of the requesting employee. Such assignments are normally arranged for an initial period of up to 30 days, but can be for a shorter period. Extensions of up to 30 additional days will be considered based on the individual's situation and the needs of both offices. (See MAOP, Part 1, 11-5.)

11-17.1 Procedures for Recording Interest in TDY Assignments to Legat Attache (Legat) Offices (Formerly 11-14.1)

SA and/or support personnel who are interested in TDY assignment to a Legat office should prepare a Form FD-826 to their immediate supervisor expressing their interest. The FD-826 should include specific skills, language ability, etc., that the employee possesses which would be beneficial in a Legat office and should also specify which area of the world the employee is interested in serving (i.e., Far East, Europe, or the Americas). It will be left to the discretion of each supervisor which FD-826's are forwarded to the SAC or Assistant Director for review and final approval. Once approved by the SAC or Assistant Director, the employee's name should be forwarded to the Division's Administrative Office for entry into the Bureau Personnel Management System (BPMS). The Liaison and International Affairs Section (LIAS), Criminal Investigative Division, which manages Legat operations, will run periodic reports of employees expressing interest in foreign TDY assignment and, when a Legat requires TDY assistance, will contact the appropriate SAC or Assistant Director to determine the availability of qualified employees who have expressed an interest in that particular Legat office.

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11-18 DETAIL ASSIGNMENTS OF EMPLOYEES OUTSIDE THE FBI (Formerly 11-15)

The Office of Personnel Management (OPM) and Department of Justice (DOJ) require prior approval before an employee may be detailed to another position, particularly if the employee is being detailed from an excepted service position to a competitive service position. This approval requirement is mandated by Civil Service Rule 6.5 which stated that "No person who is serving under an excepted appointment shall be assigned to the work of a position in the competitive service without prior approval of OPM." (See MAOP, Part I, 1-28, for conduct of employees on detail.)

11-18.1 Details Within the DOJ (Formerly 11-15.1)

- (1) If the position to which the FBI employee is to be detailed is another excepted service position, details can be made in 120-day increments up to a maximum total detail of one year. Extensions beyond one year will then require prior OPM approval.
- (2) If the position to which the FBI employee is to be detailed is a competitive service position, prior OPM approval of the proposed detail is required.

11-18.2 Details Outside the DOJ (Formerly 11-15.2)

Any proposed detail (or extension of same) of an FBI employee to an organization outside the DOJ for 30 days or more must be submitted for approval of the Deputy Attorney General (DAG) through the Justice Management Division, DOJ.

- (1) If the position to which the FBI employee is to be detailed is another excepted service position, only the DAG approval is necessary.
- (2) If the position to which the FBI employee is to be detailed is a competitive service position, prior OPM approval of the proposed detail is also required.

11-18.3 Procedures for Approval (Formerly 11-15.3)

- (1) In order to determine what approval is required, it will be necessary to obtain an official position description from the agency to which the employee is being detailed. This position description must be reflective of the duties the employee will be performing with the other agency and should indicate whether the position is in the excepted or competitive service.
- (2) Requests for approval must be submitted to the Staffing Unit, Human Resource Management Section, Administrative Services Division, with sufficient time to seek the appropriate approval from either DOJ or OPM. DOJ approvals average three weeks. OPM approvals usually take longer.
- (3) To alleviate problems concerning the information needed to detail an employee, the following must be provided to Staffing Unit, Administrative Services Division:
 - (a) The employee's official Bureau name, title, and grade.
 - (b) The name of the organization to which the detail is proposed.
 - (c) The proposed beginning and ending dates of the detail.

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(d) An official position description from the agency to which the employee is being detailed. This position description must be reflective of the duties the employee will be performing with the other agency and should indicate whether the position is in the excepted or competitive service.

(e) Reimbursable or nonreimbursable arrangement. A memorandum of understanding/reimbursable agreement must be submitted to Administrative Services Division from the requesting agency advising of all items being reimbursed with a contact (name, address, and telephone number) in order for the FBI to bill the requesting agency.

(f) The purpose of the detail and individual organizational benefits.

(4) Upon arrival in the other agency, a Notification of Personnel Action (SF-50) will be prepared which will include the time limitations of the detail. Although the employee's cost center will change to reflect assignment to another agency, the employee will be headquartered to the division that is requesting the detail. This division will be responsible for continuing any administrative matters (i.e., time and attendance records, Bureau correspondence, etc.) for the employee.

The determination as to whether detailed Special Agents will be counted as part of a division's Funded Staffing Level will be made by the Resource Management and Allocation Board.

11-18.4 House Appropriations Committee - Surveys and Investigations Staff (See MAOP, Part I, 3-8.) (Formerly 11-15.4)

11-18.4.1 Introduction (Formerly 11-15.4.1)

(1) Many of the programs handled by the House Appropriations Committee - Surveys and Investigations Staff (hereinafter referred to as Staff) have national or worldwide significance and can include such studies as national energy problems, military readiness and deployment and worldwide intelligence activities. The responsibilities inherent in this highly visible, complex and important assignment require individuals who have strong potential to develop executive ability in order to accomplish the desired ends of the committee. Individuals considered for selection must exhibit personal responsibility; have initiative, resourcefulness and versatility; and possess outstanding qualities of logic, perception and organizational and literary ability. Special Agents assigned to the Staff will be dealing with persons representing the highest level of Government and, therefore, it is imperative that they be capable of representing the FBI in an outstanding manner.

(2) The Surveys and Investigations Staff is directed by an Executive Staff composed of a permanent Chief, a Director and two Assistant Directors. The Director and two Assistant Directors are selected from the ranks of the FBI and GAO.

11-18.4.2 Selection Process (See MAOP, Part 1, 3-8 (5).) (Formerly 11-15.4.2)

(1) Requests for Staff personnel will be made known to the Assistant Director, Administrative Services Division, who will cause to be posted a "Notice of Vacancy" communication to appropriate field divisions. Applicants should submit completed FD-638 to FBIHQ, Attention: Transfer Unit. The Staff's senior FBI representative will then advise the Assistant Director, Administrative Services Division, of his/her preference of the respondents to the posting. Upon approval from FBIHQ, Agents selected will be detailed for an initial mutual evaluation period of up to 90 days. The decision to transfer an individual in the event his/her office is not contiguous to

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Washington, D.C., will be a negotiable point between FBIHQ, the Chief of the Staff and the individual involved through discussion with him/her.

(2) Agents considered for a Staff assignment will be selected from those nonsupervisory Special Agents with an experience level of GS-12 or above. It would be beneficial if candidates possessed prior commissioned military officer experience, auditing/accounting, or a procurement background. Preference would be given to relief supervisors who are currently in the EDSP. Agents selected for this assignment will be retained on the rolls of the FBI and will continue to be eligible for AVP compensation.

11-18.4.3 Promotion (See MAOP, Part I, 3-8(3).) (Formerly 11-15.4.3)

(1) Individuals selected for assignment to the Staff as team members may be considered for a "term promotion" to the position of Supervisory Team Leader (GS-14); however, it is to be clearly understood that only a limited number of these positions are available. Therefore, promotional opportunities are limited. The term promotion is for the duration of the Staff assignment. Candidates must compete for such term promotions by submitting an FD-954 to the Special Agent Mid-Level Management Unit, EDSP, in response to the advertised vacancy announcement. Recommendations for promotion to the position of Supervisory Team Leader will be furnished to the chairperson of the SAMMS Board, FBIHQ, for their approval. An FBI employee who completes his/her Staff time and has advanced to the GS-14 term promotion status will return to the FBI at the same grade that they would have been if they had not left the agency and had continued in the normal "in-house" career path. However, these individuals will be given every consideration for promotion upon their completion of the Staff assignment if positions are available and they possess the necessary qualifications.

(2) Individuals selected for assignment to the Executive Staff (Director and Assistant Directors) are reviewed by the SAMMS Board. The Assistant Director on the Surveys and Investigations Staff will be selected from the ranks of Supervisory Special Agents currently in the EDSP. The individual selected will be initially placed in a Team Coordinator role for a period not to exceed 120 days. Upon mutual agreement to remain in the position, his/her name will be forwarded to the SAMMS Board as the designated Assistant Director, Surveys and Investigations Staff, GS-15. At the SAMMS Board's discretion, the promotion to GS-15 would be temporary for the duration of the assignment with reversion to GS-14 upon return to the FBI or a permanent promotion to GS-15 as long as FBIHQ agrees to place the employee in a GS-15 position upon his/her return. Upon approval for this position, he/she will be removed from the rolls of the FBI for the three-year assignment. Upon completion of their assignment, FBI members of the Executive Staff will be returned to FBIHQ and assigned as determined by the SAMMS Board.

11-18.4.4 Length of Assignment (Formerly 11-15.4.4)

All individuals, following the initial 90-day evaluation period, will be detailed to the Staff for assignment of up to four years. Only under special circumstances will any team member's assignment be extended beyond the four-year limit. Staff members who advance to the Team Leader level will be allowed a one-year extension or a maximum of five years' total assignment.

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Also see "House Appropriations Committee - Surveys and Investigations Staff," Part I, Section 3-8, "Career Development Matters," of this manual.

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